



# Annual Report 2015

Avocats Sans Frontières

# Justice for a fairer world

Mr Alphonse Koyakosi is a criminal lawyer in Kinshasa. During a trial, he was threatened by a superior officer of the Congolese armed forces accused of international crimes. *"If I have to die because of my work as a lawyer, it must be my destiny,"* he told us. Whether in Tunisia, Uganda, or in DR Congo, men and women are struggling to defend human rights, sometimes risking their lives. © ASF/G. Van Moortel, September 2015

**E**stablished in Brussels in 1992, Avocats Sans Frontières is an international NGO specialising in defending human rights and access to justice. From Kinshasa to Tunis, from Mandalay to Bujumbura, our teams defend victims of torture and prisoners held illegally, promote legislative reforms for better respect for human rights, support lawyers, and ensure that the voices of victims of international crimes are heard by the courts.

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







During the awareness-raising tour organised by ASF in Tunisia in April 2015, a housewife (on the right in the photo) moved the whole team by telling the story of her son, victim of the bread riots in Redeyef. © ASF

## Table of contents

<b>The many aspects of justice</b> .....	6
<b>Acknowledgements</b> .....	8
<b>Highlights of 2015</b> .....	10
<b>The importance of strategic funding for ASF and NGOs working on fragile states</b> .....	12
<b>ASF in Burundi</b> .....	14
<b>ASF in Myanmar</b> .....	18
<b>ASF in Uganda</b> .....	22
<b>ASF in Central African Republic</b> .....	26
<b>ASF in Democratic Republic of Congo</b> .....	30
<b>ASF in Chad</b> .....	36
<b>ASF in Tunisia</b> .....	40
<b>ASF in Zambia</b> .....	46
<b>The <i>HRD</i> project: how to protect human rights defenders?</b> .....	48
<b>The <i>Kalima</i> project: defending freedom of expression</b> .....	52
<b>The <i>Crossroads</i> project: together for international justice</b> .....	56
<b>Research project on access to justice and development</b> .....	58
<b>The International Legal Network</b> .....	60
<b>Financial report</b> .....	61
<b>Our staff in 2015</b> .....	66

### Definitions

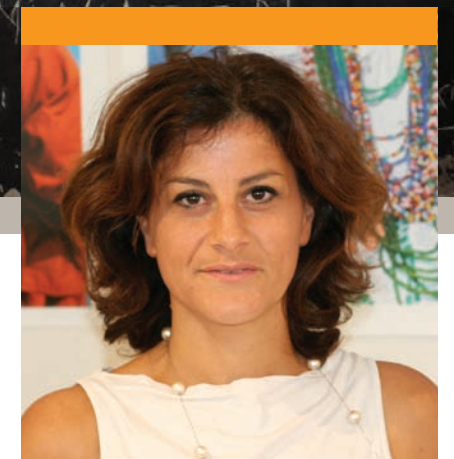
- **Legal aid:** range of free legal services to inform, advise, and assist people to make use of the law and existing administrative and judicial procedures.
- **Awareness-raising:** actions aimed at informing defendants, individually or collectively, encouraging them to engage in active consideration or action, enabling or inspiring them to change their understanding, opinions, attitudes, behaviours, or practices, and/or enabling them to assert their rights and become legally empowered.
- **Legal advice:** information and guidance given to a person in order to establish, on the basis of the information s/he has and the problem s/he faces, which legal provisions are applicable, and what legal channels exist to resolve the problem.
- **Legal assistance:** all actions and steps taken to ensure that the rights of defendants are observed, with the support of lawyers or other legal professionals (legal assistance before the courts, mediation, and other alternative methods of conflict resolution).





Kalehe prison, DR Congo. © ASF/C. Maon

# The many aspects of justice



Francesca Boniotti, Executive Director ASF

By adopting the Sustainable Development Goals (SDGs) in late 2015, the international community reasserted their commitment to an improvement in living conditions for millions of people, which began with the Millennium Development Goals (MDGs).

There are many differences between the MDGs and the SDGs. As an international development cooperation NGO specialising in access to justice, we welcomed the inclusion of the “justice” dimension in the 2030 agenda, by way of SDG 16: the promotion of peaceful societies, the provision of access to justice for all, and building institutions, at every level, that are effective, responsible, and open to all.

In reality, those involved in international aid didn’t wait for the adoption of the SDGs to reach the same conclusion: the construction of states grounded on the rule of law and access to justice are essential for combatting inequality, establishing lasting peace, and supporting sustainable development.

For several years, ASF has been working on the link between access to justice and the improvement of living conditions in post-conflict countries or countries in transition, be it in Burundi, Uganda, or Myanmar.

Here are three specific examples of ASF projects.

Our staff have been engaged in the struggle against the abusive, even illegal, use of pre-trial detention in DR Congo, in collaboration with several bar associations in the west of the country. The need for our intervention is clear: detainees are in a precarious situation, which is made worse because they are deprived of economic activities.

Access to justice and political stability go hand in hand. Thus, in the Central African Republic, while the country remains relatively calm, the needs in terms of justice are enormous. For this reason, ASF started a project for the improvement of access to justice, in partnership with people involved in the legal system, the bar association, and civil society.

Finally, ASF is very active in the field of international and transnational justice in several countries, including Tunisia. Our support in this field is guided by a desire to help to deal with the crimes of the past, including socio-economic inequalities caused by intentional discrimination with regard to certain regions, with the aim of contributing to reconciliation and lasting peace.

In 2016, we are continuing to pursue our activities in cooperation with our partners in several countries in Africa and Southeast Asia, thanks to the vital support of our donors and supporters, to whom we are very grateful.

Throughout the year and in the future, in an academic as well as operational approach, we will take up this major challenge in connection with SDG 16: to demonstrate that access to justice brings lasting improvements to the living conditions of populations.



# Acknowledgements

Avocats Sans Frontières thanks the following institutions (see list), and everyone who donated in 2015. Because of their support, vulnerable populations have more access to justice and can enforce their rights. On behalf of our beneficiaries, we sincerely thank you!



In honour of the lawyer who succeeded in getting her fiancé released, Arlette (on the left) named her new-born son Hervé. Mr Hervé Mafwila (on the right), a lawyer in DR Congo, visits Makala central prison twice a week to provide legal aid to prisoners. © ASF/G. Van Moortel, September 2015

Louise Galot and Pierre-Yves Thoumsin were married in October 2015. On the occasion of their wedding, they suggested that their guests make a donation to ASF. Thank you!



## INSTITUTIONAL DONORS:

- Belgian Federal Public Service Foreign Affairs, Foreign Trade, and Development Cooperation
- Democratic Governance Facility
- Embassy of Belgium in Democratic Republic of Congo
- Embassy of France in Central African Republic
- Embassy of France in Democratic Republic of Congo
- European Union
- Irish Refugee Council
- MacArthur Foundation
- Open Society Foundations
- Swiss Federal Department of Foreign Affairs
- UK Government (UK aid)
- United Nations Development Programme
- U.S. Department of State - The Bureau of Democracy, Human Rights and Labor
- Wallonie-Bruxelles International

## BELGIAN BAR ASSOCIATIONS:

- Flemish Bar Council (OVB)
- French- and German-speaking Bar Council of Belgium (AVOCATS.BE)
- Bar Association of Antwerp
- Dutch-speaking Association of the Brussels Bar (NOAB)
- Bar Association of the Court of Cassation
- Bar Association of Leuven

## LAW FIRMS:

- Bénichou Avocats
- GSJ Advocaten

## OTHER INSTITUTIONS:

- Association of Advisors and Former Advisors to the Court of Justice, the General Court, and the Civil Service Tribunal of the European Union

## OTHER PARTNERS:

- Smart Media
- Universal TV & Media





On 5 June 2015, the trial opened concerning the attack on the village of Yalisika in DR Congo. A group of lawyers, supported by ASF, defended the interests of 42 victims. © ASF/J. Léon



On 9 October 2015, four Tunisian civil society organisations, two of which are partners of ASF, received the Nobel Peace Prize. © AFP/F.Belaid

## Highlights of 2015

### 21 JANUARY

**Dominic Ongwen**, allegedly one of the main leaders of the Lord's Resistance Army, a Ugandan rebel group responsible for the deaths of more than 100.000 civilians and the abduction of 60.000 children, is handed over to the International Criminal Court to be transferred to the Court's detention centre in The Hague.

### 30 MARCH

The Rabat Court of First Instance sentences human rights activist **Hicham Mansouri** to ten months in prison and a fine for complicity in adultery. Concerned about widespread practices of judicial harassment of those who support freedom of expression in Morocco, ASF arranged for the judicial observation of the trial and the publication of a report (see page 53).

### 14 and 16 APRIL

ASF shares its experience in countries in transition on the occasion of the 13<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice in Doha (Qatar), and presents two side events on the role of criminal justice in the democratic process in Tunisia<sup>1</sup> and on pre-judgement detention.<sup>2</sup>

### 18 APRIL

ASF and its partners organise the first mobile awareness-raising campaign on "La justice transitionnelle en deux mots" ("Transitional Justice in a Nutshell") in the North and Central-West regions of Tunisia, to raise awareness among victims of their rights and of the importance of their role.

### 25 APRIL

An earthquake hits Nepal, killing 8.700 people, injuring more than 100.000, and leaving hundreds of thousands without shelter. The bar associations' buildings are partially or completely destroyed in six districts, including the central legal library of the Nepal Bar Association.

### 5 MAY

Hundreds of people are arrested in Burundi, accused of taking part in an insurrectionary movement for protesting against President Nkurunziza's announcement that he would run for a third term. The lawyers of the Bujumbura Bar Association launch a vast campaign to provide legal assistance to ensure that their rights are respected, and to prevent political motives from encroaching on the pursuit of justice. ASF provides logistical and methodological assistance (see page 15).

### 13 MAY

Official launch of the African Great Lakes Human Rights Defenders Protection Fund. Initiated by ASF, the East Africa Law Society, and regional partners, this innovative financial mechanism was designed to protect the rights and freedoms of human rights defenders in the African Great Lakes region (see page 49).

### 5 JUNE

Opening of the trial concerning the attack on the village of Yalisika (DR Congo) following a dispute between the community and a forestry company. The group of lawyers supported by ASF defends the interests of 42 victims.

### 16 JUNE

With the support of ASF, the Forum tunisien pour les droits économiques et sociaux (Tunisian Forum for Economic and Social Rights) files a submission to the Instance Vérité et Dignité (Truth and Dignity commission), to obtain "Region as a victim" status for the Kasserine governorate. It is the first time that such a submission has been made during the transitional justice process in Tunisia, and that the concept of "Region as a victim" is argued before a transitional justice body (see page 41).

### 1<sup>ST</sup> OCTOBER

Official launch of the first ASF project in Zambia, in partnership with the Young Women's Christian Association of Zambia (see page 47).

### 9 OCTOBER

The Ordre National des Avocats de Tunisie (Tunisian National Bar Association) and the Ligue tunisienne pour la défense des Droits de l'Homme (Tunisian Human Rights League), partners of ASF, along with the union UGTT, and the employers' federation UTICA, receive the Nobel Peace Prize.

### 14 OCTOBER

First training course on the principles of a system based on the rule of law given in the regional training centre set up in Mandalay, Myanmar (see page 20).

### 5 NOVEMBER

First meeting of Chadian civil society organisations to develop a common status for paralegal activities. This document, which represents a crucial step in the progressive recognition of an official status for paralegal activities by the authorities, was then adopted in February 2016 (see page 37).

### 16 NOVEMBER

Amuri Pia Abraham, senior officer of the Congolese National Police, is convicted of crimes against humanity committed in the village of Dembo. This is the first conviction of its kind in Maniema province; the events took place in villages that are difficult to access and outside areas under the supervision of the international community.

### 11 DECEMBER

Adoption of the Rome Statute Implementation Law in DR Congo.

<sup>1</sup> [http://www.asf.be/wp-content/uploads/2015/04/ASF\\_Doha2015\\_SideEventTunisia\\_EN.pdf](http://www.asf.be/wp-content/uploads/2015/04/ASF_Doha2015_SideEventTunisia_EN.pdf).

<sup>2</sup> Detention in Tunisia: sanctions that go beyond deprivation of liberty: [http://www.asf.be/wp-content/uploads/2015/04/ASF\\_TUN\\_Detention\\_201503\\_EN.pdf](http://www.asf.be/wp-content/uploads/2015/04/ASF_TUN_Detention_201503_EN.pdf). Perspectives on preventive detention in Burundi: Putting standards into practice: [http://www.asf.be/wp-content/uploads/2015/04/ASF\\_BUR\\_RegardsCrois--sD-tentionPr--ventive\\_201503\\_EN.pdf](http://www.asf.be/wp-content/uploads/2015/04/ASF_BUR_RegardsCrois--sD-tentionPr--ventive_201503_EN.pdf). Commodification of detainees in Democratic Republic of Congo: [http://www.asf.be/wp-content/uploads/2016/06/ASF\\_RDC\\_MarchandisationD%C3%A9te nu\\_201503\\_EN\\_A4.pdf](http://www.asf.be/wp-content/uploads/2016/06/ASF_RDC_MarchandisationD%C3%A9te nu_201503_EN_A4.pdf).





In Chad, most paralegals practice a paid profession as well as pursuing their voluntary activities in conflict prevention and management. This is the case for Bebedadi, mother of eight children and paralegal in Bere since 2013, who sells knitwear.  
© ASF/S. Khalil, February 2016

## The importance of strategic funding for ASF and NGOs working on fragile states

Since 2007, the UK Government (UK aid) has been supporting ASF through strategic funding. Strategic funding - also called unrestricted funding or core funding - can be used entirely freely to further an organisation's objectives (including staff salaries, administrative costs, and direct expenses of day-to-day work). We believe strategic funding can better respond to the needs of people in vulnerable situations because of its.

**1. Flexibility:** strategic funding is a real asset for interventions in fragile and post-conflict countries, which require flexibility and constant adjustments. To address the obstacles which prevent the rights of people living in extreme poverty from being respected, it is important to develop innovative approaches which take into account the surrounding socio-economic conditions and cultural norms, and the evolution of the context. In regions in turmoil, pilot and pioneering approaches which use multidisciplinary methodologies are crucial in tackling the complexities and challenges for specific groups of beneficiaries. Regular contextual analyses must be followed by a process of adapting interventions to changes in the situation and to the challenges that are identified. Core and strategic funding are better able to meet these specific needs.

**2. Adaptability:** addressing the obstacles that prevent poor and marginalised people from bringing human rights violations before justice systems in fragile states requires unpredictable time scales, flexible and diverse approaches, significant financial resources, and a strong commitment from civil society and local communities to support the victims. Due to the complexity of this type of intervention, the cyclical project method is not the most suitable for obtaining results. Strategic funding is more appropriate to adapting each phase of an intervention based on the results of the previous one. Projects developed in fragile and post-conflict contexts must be monitored with specific tools which take into account the complexity of changes in societies affected by conflicts and instability.

UK aid has been supporting ASF through strategic funding for ten years. The first core funding cycle - the Conflict and Humanitarian Fund Arrangement - made possible an important phase of ASF's development, at an operational and organisational level. During this period, ASF invested in a strategic review of the organisation's structure to determine what changes needed to be made to improve its efficiency and impact, and to facilitate the achievement of objectives set by the organisation and its donors. Throughout 2007-2009, ASF worked towards a global vision for the organisation which increased the focus on the role of the lawyers as key actors in providing access to justice for poor and marginalised people and in the legal empowerment of beneficiaries of ASF interventions. In 2010, ASF began to implement this new strategic direction and cross-disciplinary structure. Great improvements were made through taking stock of lessons learnt and sharing that knowledge between the missions in the field, in relation to the various projects undertaken to increase the public's use of, and trust in legal mechanisms.

In the 2008 External Annual Review<sup>1</sup> Laure Hélène Piron (UK aid) and Mark Keen (external evaluator, member of the International Development Office) observed that "ASF's particular niche seems to be their ability to recognise the need for members of the legal profession to meaningfully contribute their expertise at an operational level, leading to sustainable change in difficult situations. Their focus seems to have moved from addressing urgent situations where legal processes have broken down, to much more of a process of institution-building, in which support and assistance have two aims: the effective rule of law, and therefore a reduction in poverty through increased rights and access to justice for the most vulnerable. This approach means that long-term engagement is increasingly important. While the right mix of short term 'emergency' support is still provided, it is now combined with increased strategic capacity-building and processes for the transfer of knowledge".

Thanks to the second core funding cycle - PPA<sup>2</sup> CHASE<sup>3</sup> 2011-2014 (extension 2014-2016) - and the redefining of the organisational structure in the first period, ASF has been able to:

1. Reduce the outsourcing of expertise to consultants. The hiring of a pool of experts has made it possible to develop internal tools and mainstream the relevant methodologies.
2. Develop a new approach to legal empowerment, in which our efforts to improve access to justice are guided by rights-holders. This new way of working and addressing problems at ASF, using a Human Rights Based Approach and supporting local communities working for change at a grassroots level, has improved the quality and effectiveness of our work, as marginalised communities have taken greater ownership over these processes.
3. Develop innovative context analysis and evaluation methodologies, enabling ASF to improve the beneficiary-centred approach and rethink our approach to partnership.
4. Scale up the methodologies used for the Burundi legal aid study (2011<sup>4</sup>) to DR Congo (2013<sup>5</sup>) and Tunisia (2014<sup>6</sup>). These studies are based on large-scale quantitative surveys of the population and of legal aid providers, enabling ASF to produce strong findings on the legal aid needs of populations, and contribute to influencing policy-makers to make legal aid a political priority.
5. Specify its Theory of Change and use it for context exploration, programme design, and sharing between partners during strategic discussion and planning.

In terms of geographical expansion, flexibility of strategic funding allowed ASF to act proactively and independently. Activities were developed in new contexts without waiting for calls for proposals to be launched by donors (e.g. Tunisia, Myanmar). Presence in the field makes possible in-depth analysis of context, a precondition for the development of relevant programmes which can be adapted to specific needs, and the building of trust and understanding which lead to strong partnerships.

Through strategic funding, ASF has also been able to improve external communication, with better media coverage and communications targeting relevant stakeholders. In addition, ASF adopted a new online financial system in 2013, to manage budgets, accounts, and reports. This information-sharing system allows ASF to plan better and to monitor budgets efficiently. Thanks to this shared system, annual and project budget reviews also take value for money into account, in order to assess efficiency and appropriate resource sharing.

Without core funding, all this would be harder (if not impossible) to organise.



Training workshop for lawyers on the client-centred approach, organised by ASF and BABSEACLE in Myanmar. © ASF/M. Chinnappa

<sup>1</sup> Annual Review of Avocats Sans Frontières (ASF), 6 August 2008, Mark Keen (IOD and Laure-Hélène Piron (UK aid).

<sup>2</sup> PPA: Programme Partnership Agreement.

<sup>3</sup> CHASE: Conflict Humanitarian and Security Department.

<sup>4</sup> [http://www.asf.be/wp-content/publications/EtudeAideLegaleBurundi\\_JMoriceau2011.pdf](http://www.asf.be/wp-content/publications/EtudeAideLegaleBurundi_JMoriceau2011.pdf).

<sup>5</sup> [http://www.asf.be/wp-content/uploads/2014/04/ASF\\_RDC\\_EAL\\_2013\\_light.pdf](http://www.asf.be/wp-content/uploads/2014/04/ASF_RDC_EAL_2013_light.pdf).

<sup>6</sup> [http://www.asf.be/wp-content/uploads/2014/06/ASF\\_Tunisia\\_EtudeAideLe%CC%81gale\\_2014\\_6.pdf](http://www.asf.be/wp-content/uploads/2014/06/ASF_Tunisia_EtudeAideLe%CC%81gale_2014_6.pdf).





Mpimba central prison in Bujumbura  
© Amani Papy/Studio Jamaica



ASF and the Bar Association at Bujumbura Court of Appeal:  
a sustainable partnership. © ASF, 2015

## FOCUS

# Lawyers mobilise to defend the rights of those arrested

1<sup>st</sup> July 2015

Since Pierre Nkurunziza's announcement that he would seek a third term and his victory in the presidential elections in July 2015, Burundi has been in profound political and social crisis. Protest movements are harshly repressed by the police authorities, who are making increasing numbers of arrests. Many defendants are denied their basic rights, including the right to legal advice and independent representation.

This exceptional situation doesn't signal an end to the population's need for justice - far from it. ASF and its partners continue to work to ensure access to justice for all. In June 2015, accordingly, ASF and the bar association at Bujumbura Court of Appeal signed an agreement renewing and shaping their partnership up to 2021. The signing of this agreement symbolises the spirit of complementarity underlying the relationship between ASF and its partners in the countries where it is active. *"We see the partnership as a relationship of trust and complementarity. ASF complements our skills, enabling us to fulfil our mission to help people seeking justice,"* confirms Mr Salvator Kiyuku, president of the bar association at Bujumbura Court of Appeal.

Since May 2015, ASF has also been supporting a huge campaign to provide legal assistance initiated by the bar association to ensure that the rights of hundreds of people arrested during recent events are respected, and to prevent political motives from encroaching on the pursuit of justice. Mr Kiyuku explains the background: *"It wasn't long before the police embarked on waves of indiscriminate arrests in the streets and neighbourhoods of the city of Bujumbura. The authorities justifying these mass arrests on the grounds of 'participation in an insurgent movement'. This is not a valid legal justification. As 'men of the law', we had to react."*

### Q.: HOW MANY PEOPLE WERE ARRESTED DURING THESE ROUND-UPS?

**S.K.:** *"Some sources put the numbers arrested at between 600 and 700 people, mainly in Bujumbura. Men, women and young people were arrested indiscriminately. Some arrests had troubling consequences. It is estimated that one in three people were beaten, robbed, or even tortured. The police are clearly partisan, poorly trained, and on edge, to say the least. There are also those who were arrested and detained following the attempted coup; the exact number remains unknown".*

### Q.: WHAT FORM DOES THE ASSISTANCE PROVIDED BY THE LAWYERS TAKE?

**S.K.:** *"Very quickly, more than half of the 450 lawyers belonging to the Bujumbura Bar Association were mobilised. In just one week, they managed to meet and advise 350 people who had been arrested arbitrarily. Thanks to this assistance, 70 % of them were released. I must say, cooperation with the lawyers was fairly good. We also had access to police stations and prisons. On the other hand, we are still being refused access to national security service premises, the so-called documentation."*

### Q.: DO YOU INTEND TO CARRY ON ASSISTING THOSE WHO HAVE BEEN ARRESTED?

**S.K.:** *"Absolutely. Besides those detained following the coup, hundreds of others are still being held, including in Mpimba and Muramvya prisons. Our campaigns to assist demonstrators still being held in pre-trial detention outside the capital will continue in partnership with ASF, which is offering us logistical and methodological assistance. Whatever exceptional circumstances our country faces, human rights - including that of defence - must be respected."*



## Activities in 2015

### PROJECT

#### INTERNATIONAL PROTECTION AND RIGHTS OF ASYLUM-SEEKERS AND REFUGEES

**Partner:** Office National de Protection des Réfugiés et Apatrides (ONPRA, National Office for the Protection of Refugees and Stateless Persons)

**Funding:** Office of the United Nations High Commissioner for Refugees, European Union

**Duration:** 3 years (December 2012 > December 2015)

**Budget:** €839,562

#### ■ The results below refer to the whole project:

- 104 awareness-raising sessions for asylum seekers and refugees on their rights and the asylum procedure were carried out in Bujumbura and in refugee camps, benefitting 7,657 people.
- 7,096 people benefitted from reception services, guidance, and advice on the law, the asylum procedure, and the rights of refugees, as well as other legal issues (health rights violations, etc.).
- 5,800 asylum seekers were represented in appeal hearings at the level of the service responsible for determining refugee status and in appeal hearings at the level of the appeals committee.
- The establishment of a group of ten lawyers specialising in refugee law made it possible to provide legal aid to 118 refugees and asylum-seekers who had been victims of sexual violence and clear violations of their basic rights.
- 12 training sessions were organised for 281 representatives of refugees, enabling them to inform their peers on their rights and refer them to available services.
- 23 courses were organised for local authorities, police authorities, and civil society, during which 863 people were trained in international protection, the asylum procedure, and the rights of refugees.
- Development of a training module on asylum for police, judicial, and administrative authorities.
- Publication of a: *Analyse périodique de la conformité des décisions de détermination du statut de réfugié aux normes internationales* (Periodic Analysis of the conformity to international norms of decisions relating to the determination of refugee status)<sup>1</sup>, *Analyse juridique du statut des demandeurs d'asile au Burundi* (a Legal analysis of the status of asylum seekers in Burundi), *Etude d'évaluation de la procédure d'asile au Burundi* (an Evaluation study on the asylum procedure in Burundi), and *Enquête de satisfaction des bénéficiaires du projet* (Survey of satisfaction among the project's beneficiaries).<sup>2</sup>

### PROJECT

#### PROMOTING THE FULL IMPLEMENTATION OF THE ROME STATUTE PRINCIPLES (CROSSROADS)

**Funding:** European Union, MacArthur Foundation (since June 2014 for Uganda only), UK Government (UK aid)

**Duration:** 3 years (October 2013 > October 2016)

**Total budget:** €2,110,000

- Publication of a position paper on the establishment of the Truth and Reconciliation Commission.<sup>3</sup>
- Publication and distribution of a paper, *Recherche sur les standards internationaux des droits de la personne humaine dans les mécanismes de justice de transition au Burundi* (Research paper on international human rights standards in the transitional justice system in Burundi).<sup>4</sup>

Due to the current political and social crisis in Burundi, the activities of the project were interrupted in May 2015.

### PROJECT

#### IMPROVING ACCESS TO JUSTICE FOR PEOPLE IN VULNERABLE SITUATIONS IN BURUNDI (*BATUNGANIRIZE*)

**Partner:** Bar association at Bujumbura Court of Appeal

**Funding:** Belgian Federal Public Service Foreign Affairs, Foreign Trade, and Development Cooperation, Wallonie-Bruxelles International, Irish Refugee Council, Office of the United Nations High Commissioner for Refugees

**Duration:** 2 years (January 2015 > December 2016)

**Budget:** €1,358,430

#### ■ Helping bar associations to develop legal aid:

- Provision of a human resource (Legal Aid Development Officer) to support the Bujumbura and Gitega bar associations.
- 2 workshops to analyse organisational issues between ASF and both bar associations.
- Signing of a general partnership agreement between ASF and the Bujumbura bar association.
- Support for the development of the Bujumbura bar association's legal aid project (human resources and technical support).
- Organisation of 3 monitoring meetings for the Commission d'assistance judiciaire (Legal Aid Commission) of the Bujumbura bar association.
- Creation of a national list of 150 lawyers active in legal aid (of which 70 are currently mobilised in legal aid activities):
  - Development of a professional training curriculum within the Bujumbura bar association and training of 6 trainer-lawyers.
  - Lawyers who had signed up for the national list for legal aid benefitted from 2 courses provided by these trainers, on professional ethics (70 participants) and the professional role of the lawyer (58 participants).
  - 70 lawyers benefitted from coaching sessions on handling cases of pre-trial detention.

#### ■ Support for free legal consultations provided by the Bureau de conseil et de défense (Advice and Defence Centre):

- Following the events that occurred in Burundi in 2015 and the insecure situation in Bujumbura, this activity only began in December 2015 (over the reference period, 25 people benefitted from legal advice).

#### ■ Assistance judiciaire:

People assisted in cases of pre-trial detention		129
Judgements ordering their release on bail		55
Judgements ordering that they be held in pre-trial detention		74
People assisted in actual cases		210
Acquittals		83
Convictions		102
In deliberation		25

#### ■ Presentation, discussion, and validation of the National Legal Aid Strategy by the specialist group *Demande de Justice* and communication of the document to the Ministry of Justice:

- Completion of the 3<sup>rd</sup> phase of the study on funding for legal aid.

<sup>1</sup> [http://www.asf.be/wp-content/uploads/2014/10/BUR\\_AnalyseDSR\\_201409.pdf](http://www.asf.be/wp-content/uploads/2014/10/BUR_AnalyseDSR_201409.pdf).

<sup>2</sup> [http://www.asf.be/wp-content/uploads/2014/04/ASF\\_BUR\\_Enqu%C3%AAt%C3%A9-satisfaction-PIDDAR-2013-2014.pdf](http://www.asf.be/wp-content/uploads/2014/04/ASF_BUR_Enqu%C3%AAt%C3%A9-satisfaction-PIDDAR-2013-2014.pdf).

<sup>3</sup> [http://www.asf.be/wp-content/uploads/2015/03/ASF\\_BUR\\_PapierPositionnementCVR\\_201503.pdf](http://www.asf.be/wp-content/uploads/2015/03/ASF_BUR_PapierPositionnementCVR_201503.pdf).

<sup>4</sup> [http://www.asf.be/wp-content/uploads/2016/06/ASF\\_BUR\\_StandardsInternatJusticeTransition\\_2015.pdf](http://www.asf.be/wp-content/uploads/2016/06/ASF_BUR_StandardsInternatJusticeTransition_2015.pdf).





"When I first joined, I was still using the old style of lecturing. First I changed my teaching style to be more of a facilitator, next the country needs to change", explained a participant in the course for trainers. © ASF/J. Stevens

ASF  
in  
Myanmar



The graduation ceremony for the people trained during the Rule of Law centres pilot project took place on 15 February 2015, with Aung San Suu Kyi in attendance.  
© ASF/M. Chinnappa

## The Rule of Law Centres (ROLC) project

*"I found the participants extremely engaged and the national trainers eager to learn and improve. I believe this will be a successful project. There is a lot of information to cover in a short time, but the team is capable and working very hard."*

Larisa Dinsmoor, ASF ILN member and Pro Bono expert in the ROLC project

ASF has been one of the implementing partners in the Rule of Law Centres (ROLC) project in the Pilot project and the current Phase 1. Along with BABSEACLE (in the Pilot Phase) and IDLO (in both phases), ASF developed the technical proposals, workshop and outreach curriculum, and strategic plans, trained key national staff, and oversaw the execution of all aspects of project activities. In particular, ASF has provided key international experts who have guided and shaped the project to be collaborative, nationally, regionally and globally relevant, and consistent with international principles on the rule of law and human rights.

In the Pilot Phase, the Consortium developed a 13-module interactive curriculum that explores both international standards and Myanmar law and practice, in relation to the rule of law, legal ethics, and local justice issues. In total, six national trainers and 78 lawyers, law teachers and civil society representatives participated in the three-month training programme in Mandalay and Lashio. To promote public engagement, the Pilot Project also facilitated Community Forums and public access to justice-related Mock Trial events to strengthen links with local communities and promote public legal awareness in both Mandalay and Lashio. During the Pilot Phase, ASF and IDLO took the lead in international expert staffing, with BABSEACLE sharing its expertise in training methodologies and Myanmar law. These experts oversaw curriculum development, staff capacity building, and project execution.

ASF leveraged its contribution to capacity building through the deployment of pro bono experts. During the Pilot Phase, seven pro bono experts provided 2-3 weeks of support each in community development, curriculum development, and training in both locations. These experts were provided through ASF's International Legal Network.

A three-phase approach is planned, which would span from 2015 to 2018. As in the Pilot Phase, ASF has provided more than half of the experts in the current Phase 1 (2015-2016). ASF's ongoing engagement in the project also provided visible continuity of international staffing, which is clearly important to the project's national staff and collaborators. Four of the six experts provided by ASF had also participated in the Pilot Phase – they know Myanmar and the project and, just as importantly, were known and trusted by national staff. In addition, ASF's cultivation of ongoing relationships with a network of pro bono experts and other consultants has meant that ASF has been prepared to identify new candidates for changes in needs mid-phase, including by deploying core staff from Brussels with expertise in legal aid to provide technical support for the project.



## Activities in 2015

### PROJECT

#### ESTABLISHMENT OF TWO RULE OF LAW CENTRES IN MANDALAY AND LASHIO (PILOT PHASE)

**Partners:** Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEACLE), International Development Law Organisation (IDLO)

**Funding:** United Nations Development Programme

**Duration:** 6 months (September 2014 > March 2015)

**Budget:** \$645,359

#### ■ Opening of two Rule of Law centres, in Lashio and Mandalay:

- 6 national trainers trained.
- Design and organisation of a series of 13 training modules, led by the national trainers during 34 workshops, benefitting 80 participants (members of civil society organisations and the academic world, lawyers). The modules relate to national and international definitions of the rule of law, the Burmese legal system, proof, equality before the law, the protection of minorities, alternative methods of resolving conflict, civil and criminal law, raising awareness of the law, etc.
- At the end of the project, these modules were fine-tuned in line with the lessons learned during the training workshops. They represent the first modular rule of law manual for use by those involved in the justice system in Myanmar (universities, civil society organisations, and the wider community).

### PROJECT

#### ESTABLISHMENT OF FOUR RULE OF LAW CENTRES (PHASE 1) AND CAPACITY BUILDING FOR INSTITUTIONS IN THE JUSTICE SECTOR IN MYANMAR

**Partner:** International Development Law Organisation (IDLO)

**Funding:** United Nations Development Programme

**Duration:** 1 year (July 2015 > July 2016)

**Budget implemented by ASF:** \$230,230

#### ■ Establishment of a local training centre in Mandalay and training of lawyers, law teachers, and civil society organisations:

- 3 courses on the basic principles of a system based on the rule of law.
- Course for trainers based on the modules developed during the pilot phase of the project (see above) (20 participants).
- Updating of the training curriculum and development of specific training practices for different groups targeted by the project.
- Development of a training module on monitoring and evaluation.
- Selection and recruitment of 5 National Trainers (2 in Myitkyina in Kachin State, 2 in Taunggyi in Shan State, 1 in Yangon, and 2 development officers based in Mandalay and Yangon).
- Development of tools for the use of international experts involved in the project, to facilitate and ensure the suitability of their interventions.

#### ■ Awareness-raising:

- Awareness-raising among communities who have been victims of ethnic and sexual discrimination in Mandalay, so that they can actively participate in community forums, and training of project teams in taking into account the specific features of these communities.
- Development of awareness-raising tools.



© ASF/J.Stevens, 2015





## FOCUS

## Human rights endangered by industrial activities

2 April 2015

Since August 2014, ASF has been actively supporting communities threatened by industrial activities in the Hoima district of western Uganda by empowering communities and making them aware of their rights. The ASF team in Hoima recently hosted the Belgian Ambassador, an encouraging sign for the communities affected, and for the NGO.

Since the discovery of oil in its territory in 2006, Uganda has been preparing to host mining activities in an attempt to boost economic growth. The construction of a refinery in an area of about 30 km<sup>2</sup> is planned for the Hoima district, affecting the inhabitants of the region. During the first steps in its implementation, ASF observed a lack of commitment from the government regarding these communities, and threats to human rights posed by the refinery and current and future industrial activities. Indeed, the Ugandan Constitution requires the state to take steps to involve people in the formulation and implementation of programmes that affect them. However, the Ugandan authorities have not provided the people of Hoima with the necessary information to understand industrial practices and their impact on human rights.

Powerless, communities in Hoima face significant rights violations. For example, more than 7,000 people were forced to leave their property, sometimes without replacement housing or compensation. Residents have said: *"We live on land that no longer belongs to us because the government needs it for the refinery. We have nowhere to go because the government won't give us compensation to acquire property elsewhere."* Frequent displacement also results in violations of an individual's right to education, employment, food, and healthy water.

*"A situation like this, if not dealt with today, is likely to worsen with the arrival of new investors and new activities,"* says Jean-Philippe Kot, ASF expert on international justice. In partnership with the NGO Global Rights Alert, ASF began a pilot project in August 2014 to support the active participation of citizens in the management of their territory and to promote access to justice and the empowerment of communities affected by industrial projects. ASF implements outreach projects so that every individual is aware of his or her rights. In addition to this, ASF seeks to enhance access to justice for victims: a legal clinic welcomes the public and offers free legal advice and assistance. ASF will also represent victims who do not have the means to pay for the support of a lawyer.

In mid-March, some beneficiaries of the project had the opportunity to meet with His Excellency Alain Hanssen, Belgian Ambassador to Uganda. Ambassador Hanssen, sensitive to the difficulties these communities face daily, supported them and encouraged them to continue their efforts with ASF. Ambassador Hanssen also thanked the NGOs warmly for their work in Hoima.



On 16 March 2015, the ASF bureau in Hoima hosted the Belgian Ambassador in Uganda, His Excellency Alain Hanssen (in the centre). © ASF



Activities in 2015

PROJECT

PROMOTING THE FULL IMPLEMENTATION OF THE ROME STATUTE PRINCIPLES (CROSSROADS)

**Funding:** European Union, MacArthur Foundation (since June 2014 for Uganda only), UK Government (UK aid)  
**Duration:** 3 years (October 2013 > October 2016)  
**Total budget:** €2,110,000

- Support for drawing up the rules of procedure of the International Crimes Division or ICD (the body authorised to judge international and transnational crimes committed in Uganda): in 2015, the document was examined by the First Parliamentary Council. It was finally adopted in March 2016.
- 1 training course on the struggle against impunity for international crimes and the mechanisms of liability (37 representatives of civil society organisations).
- 1 training course on the development of an intervention model for civil society organisations active in international and transitional justice (55 participants).
- Awareness-raising among members of communities affected by the Thomas Kwoyelo case on their rights and participation in the procedure before the ICD<sup>1</sup> (223 people).
- Awareness-raising of victims and representatives of victims in the Dominic Ongwen case on their rights and participation in the procedure before the International Criminal Court (20 people).
- Awareness-raising among students on international justice (815 people).

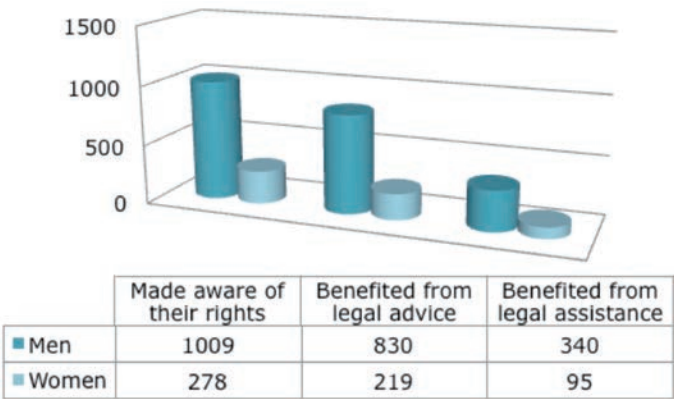
PROJECT

PROMOTING MEANINGFUL PARTICIPATION OF WOMEN AND MEN IN THE SOCIAL ACCOUNTABILITY AND DEVELOPMENT PROCESS OF UGANDA’S OIL AND GAS SECTOR

**Partner:** Global Rights Alert  
**Funding:** Democratic Governance Facility  
**Duration:** 2 years (July 2014 > June 2016)  
**Budget:** €162,361

- Completion of a study on the conformity of Ugandan legislation to international standards on business and human rights.<sup>1</sup>
- 8 round tables on advocacy with the relevant authorities to debate the conclusions of the study.
- 1 training course for lawyers on property law, the law on expropriation, and the legal obligations to protect the environment when carrying out industrial activities (37 participants).
- 1 training course for judges on the international legal framework in relation to business and human rights (18 participants).

LEGAL AID SERVICES DELIVERED TO THE POPULATION<sup>2</sup>



1 In 2011, the Constitutional Court granted amnesty to this former commander of the LRA. The public prosecutor lodged an appeal against the decision before the Ugandan Supreme Court, seeking the quashing of the Constitutional Court’s decision and the reopening of the trial. In April 2015, the Supreme Court decided that the law on amnesty didn’t constitute a general amnesty for all crimes. Crimes deliberately directed against civilians or communities should not be covered by the amnesty. Thomas Kwoyelo is currently charged with war crimes and crimes against humanity before the International Crimes Division.

1 Business, human rights and Uganda’s oil and gas industry: A briefing of existing gaps in Uganda’s oil and gas laws: [http://www.asf.be/wp-content/uploads/2016/06/ASF\\_UG\\_GasOilIndustry\\_201507.pdf](http://www.asf.be/wp-content/uploads/2016/06/ASF_UG_GasOilIndustry_201507.pdf).  
2 These figures relate to the period from April 2015 to March 2016.





# ASF in the Central African Republic



Arsène, father of Kestia (one year old) recounts: "I was unable to register my child at the local authority, because I lacked the means. I learned about the hearings from the head of my neighbourhood who went around the streets with a megaphone, so I came." © ASF/B. Langhendries, February 2016

## FOCUS

## The state of justice in the Central African Republic

27 August 2015

ASF recently launched support activities to help facilitate better access to justice in the Central African Republic. In the wake of successive politico-military crises, the country's judicial institutions need to be rebuilt. In collaboration with people involved in the legal system, the bar association, and civil society, ASF is working to improve access to justice for vulnerable people.

In 2012-2013, the Central African Republic (CAR) experienced an unprecedented humanitarian crisis, leading to the deaths of thousands of people and the displacement of entire populations. Today, relative calm has descended on the country, which has been rocked by politico-military crises since its independence in 1960, and its 4.6 million inhabitants.

The needs in terms of justice are great. The 120 lawyers who make up the Bar are all based in the capital Bangui, and work in difficult conditions. Civil society organisations (CSO) remain very weak. *"The justice system in the Central African Republic is weak, slow, and costly. It is a two-speed justice: one speed for the wealthy and one for the poor,"* stated Arsène Sendé, Inspector General for Justice.

The justice sector severely lacks funds, with a budget which represents only 0.15% of the overall public budget. This has numerous consequences, including widespread impunity and corruption. Justice no longer fulfils its role of protecting citizens and guaranteeing their rights, and is widely mistrusted by the population.

This analysis was shared during the first workshop for the official launch of ASF's activities in the CAR, in Bangui last July. Representatives from judicial institutions (the Ministries for Justice and Planning, the Inspectorate General for Justice, the Judicial Council, the Bar) and international donors were present.

The Minister for Justice's *Cabinet* (advisory team) celebrated the arrival of ASF at a time when *"the Constitutional Charter for Transition prioritises access to justice for all."* According to its Director, the Central African judicial system will be able to *"benefit from ASF's expertise regarding (access to) justice in the countries of the Great Lakes sub-region"*.

The stakes are high, the task being, quite simply, to (re)build the rule of law. *"The justice system can expedite or hinder a country's development through its organisation and operation, and it is now up to the people of the Central African Republic to choose what they want,"* believes Mr Sendé, Inspector General for Justice.

*"Our project is developing against a backdrop of real needs and expectations regarding access to justice, in particular for vulnerable people,"* explains Boubacar Diabira, head of the ASF mission in Bangui.

The ASF team will implement the following activities: disseminating the law to the population and people involved in the justice system, supporting civil society organisations to help them relaunch legal aid services and support for coordinating legal aid, supporting mobile courts hearings in relation to birth registration, and capacity-building for lawyers and civil society organisations.



# Activities in 2015

## PROJECT

### IMPROVING ACCESS TO JUSTICE FOR VULNERABLE PEOPLE IN THE CENTRAL AFRICAN REPUBLIC

**Funding:** Embassy of France in the Central African Republic, European Union

**Duration:** 2 years (December 2014 > December 2016)

**Budget:** €392,124

■ **1 training and awareness-raising session with heads of neighbourhoods, traditional leaders, and religious leaders, on questions relating to birth registration and the Register of Births, Marriages, and Deaths (130 participants).**

■ **Support for the organisation of 2 mobile courts to deliver judicial rulings in lieu of birth certificates.**

Mobile Court	Cases decided	Cases dismissed
7 <sup>th</sup> arrondissement (25-26/11/2015)	73	9
6 <sup>th</sup> arrondissement (23-24/12/2015)	63	10

■ **Supporting civil society organisations in relaunching minimal legal aid services:**

- Selection of 2 organisations: the Episcopal Commission for Justice and Peace (ECJP) and the Association des femmes juristes de la Centrafrique (AFJC, Association of Women Lawyers of the Central African Republic).
- Workshop to define their priority needs in terms of training.
- Subgranting in support of these 2 organisations.
- This support enabled the AFJC to establish a legal aid centre (outreach, legal advice, assistance, drawing up deeds, guidance, and legal assistance where required) in the 6th arrondissement of Bangui, which received 125 people between October 2015 and March 2016. It also enabled the AFJC to organise regular meetings between communities and local authorities, train its teams, set up youth committees and supervisory committees, and organise information and awareness-raising activities.
- This support enabled the ECJP to establish a centre in the 7th arrondissement of Bangui where people can come to discuss legal matters, produce and broadcast 6 radio programmes on legal aid and the rights of vulnerable people, develop and disseminate awareness-raising tools on access to justice, and organise trainings on the subject.

Though not currently receiving any funding in this area, ASF is also actively involved in discussions around the establishment of a **Special Criminal Court** supplementing the work of the International Criminal Court and ordinary national courts, to handle crimes committed since the start of 2003 in the Central African Republic. As part of this involvement, ASF, along with 21 other organisations, co-signed two documents pleading for the Court to be brought into operation, in September and December 2015.<sup>1</sup> ASF also participates in a group set up to look into the issues concerning the protection of witnesses and victims, and the question of legal aid before the Court.



Obtaining birth certificates. "My daughter will be able to enrol in school, which will help her in every step of her life," explains Léana, mother of Esther.  
© ASF/B. Langhendries, February 2016

1 [http://www.asf.be/wp-content/uploads/2015/09/ASF\\_CAR\\_Lettre-sur-la-Cour-P--nale-Sp--ciale\\_201508.pdf](http://www.asf.be/wp-content/uploads/2015/09/ASF_CAR_Lettre-sur-la-Cour-P--nale-Sp--ciale_201508.pdf).  
[http://www.asf.be/wp-content/uploads/2015/12/CAR\\_SCC\\_PressRelease\\_20151222\\_FR.pdf](http://www.asf.be/wp-content/uploads/2015/12/CAR_SCC_PressRelease_20151222_FR.pdf).





Awareness-raising among prisoners in Matadi prison.  
© ASF, November 2015

# ASF in the Democratic Republic of the Congo

Chadrack (17 years) spent a month and a half in pre-trial detention. He was beaten and tortured but has now been released and has returned to school.  
© R. Colfs for ASF



## FOCUS

## A two-year struggle against the use of illegal detention in DR Congo

8 April 2016

For the last two years, Avocats Sans Frontières has been working actively with bar associations in the west of the Democratic Republic of Congo in order to combat the abusive and sometimes even illegal use of pre-trial detention. The three key aspects of this project were the development of the capacity of individuals held in detention to understand and to take action, legal representation of detainees by specially trained lawyers, and highlighting the catastrophic conditions in detention and the causes underlying the very widespread use of pre-trial detention.

Pre-trial detention is a measure aimed at depriving a person of their liberty while they are awaiting trial. It should only ever be considered as an exceptional measure, and strictly in accordance with the law, since the person detained under these conditions is still presumed to be innocent. In DR Congo, as in many other countries, the reality is different. In fact, the vast majority of the prison population is made up of detainees awaiting trial (between 75% and 82% according to the available figures), who are often imprisoned illegally, given the lack of compliance with national laws and international standards establishing the conditions under which a person may be arrested and detained.

Within the framework of the *Na Bosembo Tokokani* project, 90 Congolese lawyers have made nearly 2000 people aware of their rights, received some 5,500 detainees in legal consultations, and filed more than 3,000 petitions before competent judges in order to review the legality of detentions. When detention was shown to be illegal or unjustified, the lawyers requested the release of their clients.

These activities, which were coordinated by the Bar Associations of Kinshasa-Matete, Kinshasa-Gombe, Matadi and Mbandaka, have offered legal aid services to the specific category of vulnerable people consisting of detainees awaiting trial. They have also helped to identify, understand, and attempt to correct the serious shortcomings in the mechanisms of detention in DR Congo. Within this context, two studies were conducted in the province of Kongo Central, providing an opportunity to question those involved in detention in DR Congo about their experiences, as well as to meet a large number of inmates held in Matadi prison. This research highlighted how the measure of detention as envisaged strictly in accordance with the law is frequently hijacked for the benefit of private pecuniary interests.

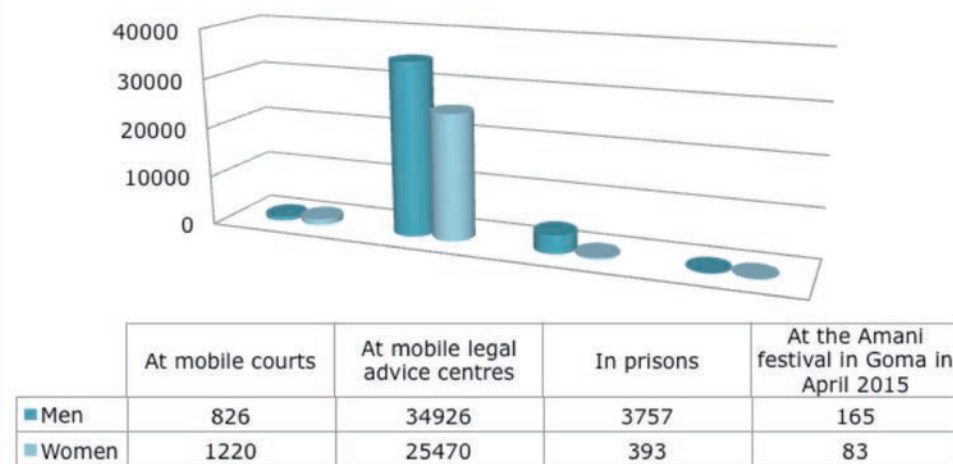
The findings derived from activities relating to information, legal advice and legal representation for detainees, as well as from the research and from the meetings with those involved in detention, will be the subject of several meetings and discussions in 2016, with those involved in the prison, judicial, and administrative aspects of detention.

1 These two studies were officially presented in 2016 and thus are not mentioned under the activities of the project further on in this report.

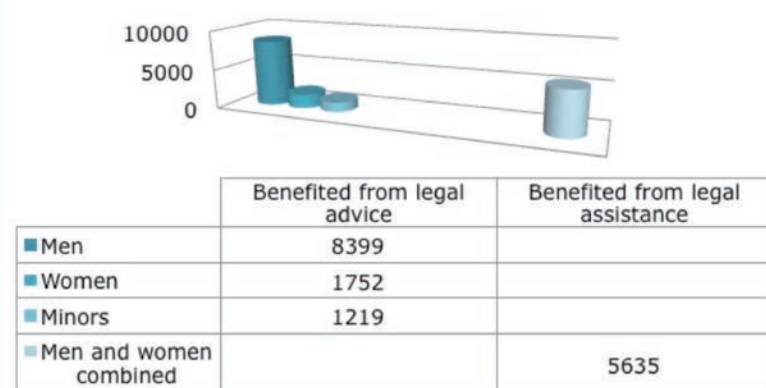


## Activities in 2015

### PEOPLE MADE AWARE OF THEIR RIGHTS<sup>1</sup>



### PEOPLE WHO BENEFITED FROM LEGAL ADVICE AND ASSISTANCE<sup>2</sup>



<sup>1</sup> These figures include both the *Uhaki Safi* project and *Na Bosembo Tokokani* projects, and relate to the period from April 2015 to March 2016.  
<sup>2</sup> These figures include both the *Uhaki Safi* project and *Na Bosembo Tokokani* projects, and relate to the period from April 2015 to March 2016.

## PROJECT

### BRINGING JUSTICE TO PEOPLE IN EASTERN DR CONGO (*UHAKI SAFI*)<sup>1</sup>

**Partners:** Bar associations of Bukavu (South Kivu), Kisangani (Orientale Province), and Goma (North Kivu)

**Funding:** European Union

**Duration:** 45 months (October 2012 > August 2016)

**Budget:** €5,000,000

#### Supporting bar associations and civil society organisations (CSOs) in their activities of providing information and assistance to defendants:

- Since 2013, three free legal advice centres (*bureaux de consultations gratuites, BCGs*) have been opened in Bunia, Bukavu, and Goma. Legal consultations take place there two times a week, as well as in prisons. Mobile legal advice centres are organised in rural areas. A steering committee was set up for each of them, which met monthly for the duration of the project.
- Coaching for setting up plans for developing capacity with the bar associations of Kisangani and South Kivu.
- Material support for partner bar associations.
- 1 training course on project management and the administrative management of BCGs (planning, organisation, monitoring activities, management of human resources, etc.) for the staff of the partner bar associations, followed by regular coaching.
- Support for the organisation of 4 awareness-raising campaigns on the registration of marriages and births, and legal assistance with the registration of births.
- 2 courses for lawyers of the "international justice" pool on the justiciability of gender-based violence (GBV) and on economic, social, and cultural rights (ESCR) violations before the national, regional, and international courts and on the trial phase and legal assistance strategy (22 participants in each session).
- In 2014, 9 CSOs benefitted from a course on the link between GBV and ESCR. Following this, in 2015, these CSOs held 9 awareness-raising sessions for 270 people (traditional authorities, state officials, representatives of churches, hospitals, etc.). An evaluation workshop was then organised.
- In 2014, some CSOs active in trial observation benefitted from a course on the subject. In 2015, 90 observations took place, the results of which were entered into a database and analysed in a report,<sup>2</sup> with a view to an appeal for respect for the right to a fair trial.

#### Supporting the administration of justice:

- Support for the organisation of 4 mobile courts and for missions relating to the notification of judgements and the procedures for enforcing them.
- Organisation of 3 round tables bringing together people involved in mobile courts in Goma, Bunia, and Bukavu, to draw up recommendations for these activities to be transferred to the Ministry of Justice.
- Study on *La réparation des crimes internationaux en droit congolais: analyse des pratiques indemnitaires des juridictions militaires au regard du Statut de Rome de la Cour pénale internationale* ("Compensation for international crimes in Congolese law: analysis of the compensation practices of military courts in accordance with the Rome Statute of the International Criminal Court").<sup>3</sup>

<sup>1</sup> The activities of the project relating to international justice are listed under the *Crossroads* project below.

<sup>2</sup> At the time of publication of this annual report, the document is the process of being finalised.

<sup>3</sup> [http://www.asf.be/wp-content/uploads/2015/09/ASF\\_RDC\\_R--parationCrimesInternat\\_201509.pdf](http://www.asf.be/wp-content/uploads/2015/09/ASF_RDC_R--parationCrimesInternat_201509.pdf).



## PROJECT

PROMOTING THE FULL IMPLEMENTATION OF THE ROME STATUTE PRINCIPLES  
(CROSSROADS)

**Funding:** European Union, MacArthur Foundation (since June 2014 for Uganda only), UK Government (UK aid), United Nations Development Programme

**Duration:** 3 years (October 2013 > October 2016)

**Total budget:** €2,110,000

■ **Awareness-raising among victims of international crimes and the leaders of the communities concerned on their rights and on participation in procedures, legal advice, collecting data, drafting complaints, preparing victims for their appearance before hearings, monitoring initial judicial investigations, representation before the courts, information on decisions rendered by the courts, the procedures for putting them into effect, and compensation.**

Cases concerned:

- Yalisika (attack on the village of Yalisika, in Equateur, following a dispute between the community and a forestry company in 2011): 42 victims have benefitted from ASF's legal assistance (judgement issued on 14 December 2015).
- Bilika (attack on a village 35km from Mungbere, organised by Captain Bilika Lutumba Anakese and his men (FARDC and PNC) in December 2012): 81 victims have benefitted from ASF's legal assistance. Of the eight defendants prosecuted, one was acquitted and the other seven were given prison sentences ranging from 3 to 15 years.
- Ilema (attack on the village of Ilema by an FARDC mission and police in April 2012): ASF organised information-gathering missions and support for victims. The case is still in its judicial investigation phase before the military prosecutor.
- Kavula (attack on the village of Kavula, organised by 16 soldiers of the FARDC in December 2014): 52 victims were questioned with legal assistance provided by a lawyer. ASF organised an information-gathering mission and an assistance and support mission for the lawyer during the investigation.
- Mwanpata (attacks on several localities in the Wamba territory in the Haut-Uélé province, ordered by Mbungu Nengamakane Matthieu between October and December 2013, and in February 2014): ASF organised data-collection, support, and legal assistance for the victims.

■ **1 exploratory mission in Kongo Central (Matadi, Kisantu, Mbanza Ngundu, Boma, and Moanda) to evaluate the state of justice there and the possibility of establishing activities and holding awareness-raising sessions there.**

■ **Awareness-raising among students from 6 universities on the International Criminal Court and the implementation of the Rome Statute in DR Congo (367 students reached).**

■ **4 training courses for civil society organisations on the struggle against international crimes and serious human rights violations (70 participants).**

■ **1 awareness-raising workshop for judges and military legal advisers on the struggle against international crimes (40 participants).**

■ **1 training course for lawyers of the "international justice" pool on the subject of professional practice and action strategy in international criminal justice (22 participants).**

## PROJECT

GUARANTEEING ACCESS TO JUSTICE FOR PEOPLE IN PRE-TRIAL DETENTION  
(NA BOSEMBO TOKOKANI)

**Partners:** Ordre National des Avocats (National Bar Association), Kinshasa Gombe, Kinshasa Matete, Matadi, and Mbandaka Bar Associations

**Funding:** Belgian Federal Public Service Foreign Affairs, Foreign Trade, and Development Cooperation, Embassies of Belgium and France in DR Congo

**Duration:** 2 years (May 2014 > April 2016)

**Budget:** €1,084,282

PEOPLE IN PRE-TRIAL DETENTION WHO HAVE BENEFITTED FROM LEGAL AID<sup>1</sup>

	People helped	People released
■ Men	2381	112
■ Women	261	19
■ Minors	466	115
■ Men and women combined	0	670

■ **Support (since 2014) for 4 free legal advice centres (BCGs):**

- 2 in Kinshasa (bar associations of Matete and Gombe), 1 in Bas-Congo (Matadi), and 1 in Mbandaka. These BCG intervened in the prisons targeted by the project (Kinshasa, Mbandaka, and Matadi central prisons, and Boma prison).

■ **Creation (in 2014) of a pool of 80 lawyers to raise awareness among people in pre-trial detention and provide them with legal aid through the BCGs:**

- 20 lawyers participants for Kinshasa Matete, 20 for Kinshasa Gombe, 20 for Matadi, 20 for Mbandaka.

■ **Training for the lawyers in the pool:**

- In awareness-raising techniques and tools, and on principles relating to monitoring prisons and detention centres.
- In the use of economic, social, and cultural rights to defend people in pre-trial detention.
- In the legal protection of children in conflict with the law.
- In aspects of criminal proceedings in the pre-trial phase and in the children's courts.

■ **Direct assistance to lawyers of the pool, based on their legal aid cases (coaching), by a member of ASF's International Legal Network.**

■ **Monitoring of 2 strategic litigation cases (legal assistance, advocacy, coaching for the lawyers involved).**

■ **Support for the Barreau National (National Bar Association) and for the provincial bar associations in the coordination of legal assistance:**

- Organisation of a networking dinner with the bar associations of DR Congo.
- Establishment of a steering committee for the project, bringing together all the bar associations of the areas in which it is active (3 meetings in 2015).

■ **Awareness-raising among people involved in access to justice in terms of the link between access to justice and reducing poverty:**

- Organisation of workshops to launch the project in Matadi and Kinshasa, bringing together political, administrative, and legal authorities, civil society organisations, people involved in the prison system, etc.
- Participation in the Etats Généraux de la Justice (Justice Consultation) organised by the Ministry of Justice and Human Rights, and particularly the Group looking at prison administration. The lessons learned from the various activities of the ASF project were shared with the participants, and contributed to the development of the recommendations made.

■ **Carrying out an analysis of the *Commodification of detainees in DR Congo*.<sup>2</sup>**

ASF also manages the Protection Trust Fund which provides psychosocial and legal assistance to people who have been victims of torture in DR Congo. This fund is financed by the French, UK, and Swiss Embassies in DR Congo.

<sup>1</sup> These figures include both the Uhaki Safi project and Na Bosembo Tokokani projects, and relate to the period from April 2015 to March 2016.

<sup>2</sup> [http://www.asf.be/wp-content/uploads/2016/06/ASF\\_RDC\\_MarchandisationD%C3%A9tenu\\_201503\\_EN\\_A4.pdf](http://www.asf.be/wp-content/uploads/2016/06/ASF_RDC_MarchandisationD%C3%A9tenu_201503_EN_A4.pdf).





© ASF/G. Durdu, February 2016

## FOCUS

# Paralegals, ambassadors of the law to the people

The majority of Chadian citizens face major obstacles in terms of access to justice: lack of knowledge of their rights and of the means to exercise them, insufficient availability of modern justice, lack of economic means, and a shortage of lawyers, especially in the countryside. Civil society is mobilising in response to these problems. Organisations offer legal aid services to the most destitute people, in the form of interventions by local actors commonly called “paralegals”. Their role is crucial: they open the door to the law for tens of thousands of people.

Paralegals are men and women who are not legal professionals but who possess basic knowledge of the law, and are familiar with the legal procedures and sociological realities of their country. They are trained by their respective organisations to help resolve the legal issues most commonly encountered by members of their community. At the same time, they strengthen the ability of populations to self-represent. They have numerous missions: conflict prevention, assisting and delivering advice to populations, facilitation of out-of-court settlements, mediation between parties to legal disputes, referring people to other service providers and/or to the courts where necessary, and providing assistance to defendants during the pre-trial phase.

Compared to formal and traditional systems of conflict resolution, the intervention of paralegals greatly contributes to promoting peace and social cohesion within the community. Their activity very often enables legal disputes to be resolved amicably and helps to avoid systematic recourse to the police and the authorities. It also reduces the strain on the courts and detention centres.

The importance of the role of paralegals is becoming increasingly recognised, both by the communities that benefit from their services and by formal and traditional authorities. But being a paralegal is not easy. Most carry out their activities as volunteers in conjunction with a paid activity to support their households. They lack the financial resources to ensure delivery of services (lack of premises, insufficient means of transport and communication, inability to reach the most remote areas, etc.) and often, adequate training. They are crying out for an improvement in their working conditions.<sup>1</sup>

Since 2014, ASF has been working towards better recognition, by all concerned, of the crucial role played by paralegals in terms of access to justice. One of the objectives is to improve their working conditions. ASF therefore provided technical support to seven civil society organisations, to work towards the adoption of the first common status for paralegal activities in Chad. This document represents a crucial step in the progressive recognition of an official status for paralegal activities by the authorities. In the near future, ASF intends to continue its support for these organisations, for example by drawing up a common training curriculum for all paralegals, in order to promote and guarantee the quality and professionalism of the services provided to populations and, eventually, achieving official accreditation of the training process.



© ASF, February 2016

<sup>1</sup> Read the testimonies of seven Chadian paralegals at [http://www.asf.be/wp-content/uploads/2016/05/PlaquetteParajuridisme\\_PP\\_Low.pdf](http://www.asf.be/wp-content/uploads/2016/05/PlaquetteParajuridisme_PP_Low.pdf).



## Activities in 2015

### PROJECT

#### IMPROVING ACCESS TO JUSTICE FOR PEOPLE IN VULNERABLE SITUATIONS IN CHAD

**Funding:** European Union

**Duration:** 27 months (February 2014 > May 2016)

**Budget:** €854,130

In the course of this project, three civil society organisations (CSOs) benefitted from ASF's technical and financial support to provide legal aid and assistance services to the population. They consisted of the Association des Femmes Juristes du Tchad (AFJT, Women Lawyers' Association of Chad), the Association pour la Promotion des Libertés Fondamentales au Tchad (APLFT, Association for the Promotion of Fundamental Freedoms in Chad), and the Public Interest Law Center (PILC). The technical assistance helps the CSOs to better develop, implement, and evaluate their projects, to share their expertise, coordinate with one another, and to submit joint recommendations to the authorities.

- 1 workshop to discuss and exchange ideas on the eligibility criteria for beneficiaries of legal aid services.
- 1 knowledge-exchange workshop on the institutionalisation of legal aid for CSOs working in the field of legal aid, judicial authorities, the government, and international donors (23 participants).
- 1 workshop on legal aid actor's mapping and referral techniques.
- 1 course in project management and the monitoring and evaluation of legal aid projects (10 participants).
- 1 knowledge-exchange and training workshop on external communication (9 participants).
- 2 workshops for the exchange and sharing of ideas, with a view to standardising the practices of the 7 CSOs in relation to paralegal activities.<sup>1</sup> Organisations involved: AFJT, APLFT, Association Tchadienne pour la Promotion et la Défense des Droits de l'Homme (Chadian Association for the Promotion and Defence of Human Rights), Cellule de Liaison et d'Information des Associations Féminines (Women's Associations' Information and Liaison Group), Droits de l'Homme Sans Frontières (Human Rights Without Borders), Ligue tchadienne des Droits de l'Homme (the Chadian Human Rights League), and PILC.

#### LEGAL AID SERVICES PROVIDED TO THE POPULATION BY THE AFJT, APLFT, AND PILC



<sup>1</sup> The first rules common to these seven organisations were adopted during a 3rd workshop held on 18 February 2016.



ASF provides technical support to civil society partners via training and knowledge-exchange workshops on a variety of topics, including communication techniques. N'Djamena (Chad), November 2015  
© ASF/G. Van Moortel





© Mediapart/T. Cantaloube



Filing of the "Region as a Victim" submission to the Truth and Dignity Commission (IVD) in Tunis, 16 June 2015 © IVD

## FOCUS

## The Kasserine "Region as Victim" submission: a first in Tunisian transitional justice

16 June 2015

With the support of ASF, the Forum tunisien pour les droits économiques et sociaux (Tunisian Forum for Economic and Social Rights, FTDES) is filing a "Region as a victim" submission<sup>1</sup> to the Instance Vérité et Dignité (IVD, Truth and Dignity Commission). This submission is intended to establish "Region as a victim" status for the Kasserine governorate. More generally, it aims to tackle the issue of regional inequality created before the 2011 revolution. This is the first such submission made during the transitional justice process in Tunisia

The filing of the "Region as a victim" submission goes back to the roots of the Tunisian Revolution: the fight against inequality and for economic and social rights. Marginalised and abandoned by an excessively centralised power structure, some regions were excluded from development under the authoritarian regime that came to an end on 14 January 2011.

The Kasserine governorate is the most obvious example of this systematic marginalisation, which resulted in a population deprived of basic economic and social rights, such as education, health, and work.

Situated in central-west Tunisia, the governorate has a population of approximately 430,000 and the lowest human development indicators in the country. "More than 25% of the workforce is unemployed, one in every three homes has no access to drinking water and the illiteracy rate is 32%, compared to 12% in Tunis", notes Alaa Talbi, Executive Director of the FTDES. This situation means that people move to more productive regions in the hope of finding employment, where they often live in wretched conditions.

"Four years after the Revolution, the expectations of the most marginalised communities have not been met by government institutions," according to Antonio Manganella, ASF's Head of Mission in Tunisia. "Now, in order to be effective, the transitional justice process must also tackle the issue of regional inequality caused by the regime's actions, or inaction."

With this "Region as a victim" submission, the FTDES, supported by ASF, is calling on the IVD to examine the situation in Kasserine and other regions that could be considered as having suffered systematic marginalisation or exclusion. It is also asking the IVD to recommend measures, especially by state authorities, to deal with the causes and consequences of the marginalisation suffered by Kasserine and other regions in Tunisia. Finally, the recommendations aim to ensure that these situations do not reoccur in the future.

The measures recommended by the IVD must be part of the process of implementing certain constitutional gains such as decentralisation, positive discrimination, and the implementation of provisions for participative democracy and governance, enabling civil society to participate in regional planning for development projects.

"We hope that our initiative will lead to measures favouring integrated development in different regions of the country. Because we are convinced that transitional justice in Tunisia can play a fundamental role in the emergence of a developmental model that respects human rights and effectively establishes a democratic state," concludes Alaa Talbi.

<sup>1</sup> The complete submission filed to the IVD (French version): [http://www.asf.be/wp-content/uploads/2015/06/ASF\\_TUN\\_R--gionVictime\\_201506\\_FR.pdf](http://www.asf.be/wp-content/uploads/2015/06/ASF_TUN_R--gionVictime_201506_FR.pdf).  
The submission in Arabic: [http://www.asf.be/wp-content/uploads/2015/06/ASF\\_TUN\\_R--gionVictime\\_201506\\_ARAB.pdf](http://www.asf.be/wp-content/uploads/2015/06/ASF_TUN_R--gionVictime_201506_ARAB.pdf).  
The press release: <http://www.asf.be/wp-content/uploads/2015/06/Case-de-presse-R--gion-Victim-Kasserine.pdf>.



# Activities in 2015

## PROJECT

### TOWARDS A VICTIM-CENTRED TRANSITIONAL JUSTICE

**Partners:** Organisation Contre la Torture en Tunisie (OCCT, Organisation Against Torture in Tunisia), Association des Femmes Tunisiennes pour la Recherche sur le Développement (AFTURD, Tunisian Women's Association for Research and Development, Kasserine section)

**Funding:** Swiss Federal Department of Foreign Affairs, UK Government (UK aid)

**Duration:** 18 months (May 2014 > December 2015)

**Budget:** €270,163

#### ■ Strengthening of two partner associations through the recruitment of a project manager within each structure:

- Their mission is mainly centred around awareness-raising, reception, information, guidance, and assistance provided to victims during the preparation of their cases and submissions to the Truth and Dignity Commission (IVD).<sup>1</sup> They received training in these different areas. Regular working and monitoring sessions are organised with them.
- 1 participative workshop made it possible to decide on the form of future awareness-raising sessions to be (format, target audience, regions, tools, etc.).

#### ■ Information and guidance for victims:

- Development of awareness-raising and information brochures *Une justice transitionnelle qui garantit les droits et spécificités des femmes* (Transitional Justice that guarantees the rights and specific interests of women) and *La justice transitionnelle en deux mots* (Transitional Justice in a nutshell) (practical information on what is involved in submitting and handling cases before the IVD).
- Organisation of an information and awareness-raising session in Grand Tunis.
- Organisation of 4 touring awareness-raising and information campaigns for victims, in the North, South, Central and Central West regions, Grand Tunis, and Cap Bon (more than 5,000 awareness-raising documents distributed).

#### ■ Training of a pool of 16 lawyers (10 women and 6 men) specialising in international human rights law:

- 1 training course on the mechanisms for and issues surrounding transitional justice in Tunisia, and on techniques for pleading cases of human rights violations.
- 1 training course on active listening to victims and restorative justice.
- 1 training course on handling torture cases.

#### ■ Advocacy activities:

- Organisation of a discussion on investigation and verdicts in the transitional justice process.
- Submission to the IVD of a file denouncing the marginalisation and exclusion of which the Kasserine region has been a victim.<sup>2</sup>
- Organisation of a symposium *La « Région victime » dans le cadre du processus de justice transitionnelle en Tunisie* (the "Region as a victim" in the Transitional Justice process in Tunisia), bringing together institutional players and civil society players to discuss the marginalisation of regions.<sup>3</sup>
- Organisation of a practical workshop on the methodology adopted in the preparation of the Kasserine case (20 participants representing 7 governorates, 2 of which have since filed submissions to the IVD).

<sup>1</sup> Over the course of the project, more than 400 people were received in the premises of the two partner CSOs, of whom 260 have filed their submissions to the Truth and Dignity Commission.

<sup>2</sup> [http://www.asf.be/wp-content/uploads/2015/06/ASF\\_TUN\\_R--gionVictime\\_201506\\_FR.pdf](http://www.asf.be/wp-content/uploads/2015/06/ASF_TUN_R--gionVictime_201506_FR.pdf).

<sup>3</sup> In January 2016, ASF and the Tunisian Forum for Economic and Social Rights (FTDES) called on the IVD to respond publicly and as quickly as possible to the question of victim regions in Tunisia, by publishing a press-release: [http://www.asf.be/wp-content/uploads/2016/06/20160126\\_-Urgence-Tunisia-les-R%C3%A9gions-Victims.pdf](http://www.asf.be/wp-content/uploads/2016/06/20160126_-Urgence-Tunisia-les-R%C3%A9gions-Victims.pdf).

## PROJECT

### MONITORING THE ADMINISTRATION OF JUSTICE AND PROMOTING THE JUSTICE REFORM PROCESS IN TUNISIA

**Partners:** Ordre National des Avocats de Tunisie (Tunisian Order of Lawyers, ONAT), Ligue tunisienne des droits de l'homme (Tunisian Human Rights League, LTDH)

**Funding:** Open Society Foundations

**Duration:** 2 years (September 2014 > September 2016)

**Budget:** \$571,820

#### ■ Establishment of a Tunisian Justice Observation Network (Réseau d'observation de la justice tunisienne, ROJ), made up of 45 observers, including lawyers, journalists, and members of civil society:

- Observation of 686 hearings in 587 trials relating to cases of drug consumption, torture, infringements of civil liberties following accusations of terrorism, including cases involving vulnerable people (Tunis, Sousse, Sfax, Bizerte, Kef, Nabeul, Beja, Tozeur, and Mehdia courts).
- 2 training courses for the observers of the network, one on international standards, mechanisms of prevention, and investigations in torture cases, and one on the international standards for fair trials and trial observation techniques.
- Organisation of a round table in Sidi Bouzid on the causes and consequences of social protests and the importance of observing and documenting rights violations in those contexts.
- Organisation of a round table in Bizerte on fair trials.
- 5 information days on the activities of the ROJ for civil society and legal professionals in Sfax, Tabarka, Sidi Bouzid, and Mahdia.
- A knowledge-exchange workshop bringing together the observers of the network, in preparation for a report on *Law 52*.<sup>1</sup>
- 8 coordinating meetings with the observers of the network.
- 7 meetings of the executive committee of the network.

[www.rojtunisie.com](http://www.rojtunisie.com)



<sup>1</sup> The report on *L'application de la loi 52 relative aux stupéfiants devant les juridictions tunisiennes* was published in March 2016: [http://www.asf.be/wp-content/uploads/2016/03/ASF\\_TUN\\_RapportROJ\\_Stup%C3%A9fiants\\_2016\\_FR.pdf](http://www.asf.be/wp-content/uploads/2016/03/ASF_TUN_RapportROJ_Stup%C3%A9fiants_2016_FR.pdf).



PROJECT

PROMOTING CIVIL SOCIETY PARTICIPATION IN LOCAL GOVERNANCE RELATING TO THE MANAGEMENT OF NATURAL RESOURCES AND RESPECT FOR HUMAN RIGHTS (GesRNa)

**Partner:** I Watch  
**Funding:** European Union  
**Duration:** 30 months (September 2015 > March 2018)  
**Budget:** €500,983

Despite being rich in natural resources, Tunisia’s South region has a high rate of unemployment and a high level of poverty. The reason for this is the excessive centralisation which has characterised the management of resources for decades, which has been marred by corruption, nepotism, and the inability of local populations to participate in crucial decisions relating to development planning. This project aims to promote the participation of citizens in strategic decisions affecting their territories (Tataouine and Medenine governorates), by building civil society’s capacity to engage in the sustainable management of resources, to understand the law, and carry out advocacy activities, and by enabling residents to call attention to cases of bad practices taking place in their governorates.

The project was officially launched in September 2015. The first few months of its implementation were mainly devoted to identifying local partners (21 partnership agreements signed), meeting with local authorities, the establishment of a network of observers responsible for reporting data (34 observers), and the selection of 10 pilot schools where awareness-raising actions would be carried out.



Awareness-raising session on transitional justice, Tunisia.  
© ASF, April 2015

PROJECT

HELPING TO PROMOTE THE RULE OF LAW IN TUNISIA BY INCREASING PUBLIC CONFIDENCE IN THE JUDICIAL SYSTEM (ADELA)

**Partner:** Action Associative  
**Funding:** European Union, United Nations Development Programme  
**Duration:** 30 months (April 2015 > April 2018)  
**Budget:** €701,996

This project is being carried out in the Kasserine, Sidi Bouzid, and Gafsa governorates.

Activities intended to increase knowledge of the law and of procedures and improve access to judicial structures for all, particularly women, minors, and victims of the transitional justice process:

- Launch workshop with the *centres de défense et d'intégration sociale* (CDIS, centres for defence and social integration), to identify priorities in relation to awareness-raising and information on rights.
- Drafting of awareness-raising pamphlets on transitional justice, the rights of single mothers, and domestic violence.
- Organisation, within the CDIS, of awareness-raising sessions on violence against women.
- Creation of a pool of 16 lawyers to provide legal advice services within the CDIS.
- Free legal assistance in cases relating to civil law, employment law, gender-based violence, and transitional justice: preparatory activities, and establishment of a consultative committee within each CDIS.
- Participation in the campaign *16 jours d'activisme contre la violence faite aux women* (16 days of activism against violence towards women).

Men and women taken together	
Made aware of their rights	104
Received legal advice	169
Received legal assistance	38

Capacity-building for CSO, CDSI, Unités d'aide sociale (UAS, social support centres), and lawyers:

- Workshop for the launch of the project bringing together 32 people in the field (lawyers, civil society, and Ministry of Social Affairs).
- 1 training course for members of the CDIS and UAS on reception, active listening, and referral techniques (25 participants).
- 1 training course for lawyers from the pool on professional practice in relation to legal aid and transitional justice.
- 1 training course for lawyers of the pool, regional trainers from the Ministry of Social Affairs, and lawyers from Action Associative, on awareness-raising and facilitation techniques (24 participants).





The official launch of the first ASF project in Zambia took place on 1<sup>st</sup> October 2015 in Lusaka, during a ceremony which also celebrated seven other projects supported by the European Union.  
© Barefeet Theatre and European Union in Zambia

ASF  
in  
Zambia



© Manoocher Deghati-IRIN

## Working to make women's rights a reality

In Zambia, as in many other countries, women are particularly vulnerable. In partnership with the Zambian organisation the Young Women's Christian Association (YWCA), ASF aims to help them to claim and exercise their rights, and to promote gender equality.

Many obstacles stand between the population of Zambia and the exercise of their rights: people in general lack knowledge and awareness of their rights, courts are often far away and access to legal advice and support is too costly. The legal system is based on both written and customary law which frequently contradict each other, making some legal regulations incoherent and resulting in widespread corruption.

Women in particular, as well as other vulnerable groups, are the true victims of this situation because they also suffer from cultural prejudices regarding their position in society. Customary law is sometimes at loggerheads with the concept of gender equality. Often, even legal professionals lack knowledge of women's rights. Even though the law has been amended to include far stricter punishment for offenders, women are often the target of discrimination at both a legal and social level, as well as gender-based violence.

The project, initiated by ASF and the YWCA, aims to enable women to have more control over their lives and to strengthen their rights. This will have positive repercussions on their socio-economic conditions as well as on those of their families and communities as a whole. The two organisations will carry out different activities: information services for women on their rights and on human rights in general; lawyers and counsellors will also assist victims of gender-based violence; the various people involved will also benefit from training and capacity-building. These activities will in turn provide data for an appeal for, on the one hand, the incorporation into internal law of international legislation guaranteeing the rights of women and, on the other hand, the establishment of national mechanisms for legal aid.

This project is not only aimed at women: men, traditional leaders, police services which handle gender-based violence, public institutions, etc. will also be involved, in order to change mentalities and practices at every level.

## Activities in 2015

### PROJECT

#### WOMEN'S RIGHTS AND ACCESS TO JUSTICE IN ZAMBIA

**Partner:** Young Women's Christian Association of Zambia

**Funding:** European Union

**Duration:** 2 years (October 2015 > October 2017)

**Budget:** €626,244

The project was officially launched on 1<sup>st</sup> October 2015. The first few months were mainly devoted to recruiting personnel (national and expatriate), choosing offices, logistical arrangements, administrative formalities, and finalising collaboration agreements with partners.





# The HRD project

Official ceremonies for the launch of the Fund were held in Kampala (photo), Kigali, Dar es Salam, and Nairobi. © ASF



This human rights defender at risk would prefer to remain anonymous. He is being sought by a militia whose atrocities he denounced. Goma, DR Congo. © ASF/G. Van Moortel

## FOCUS

## ASF instrumental in launching a fund for the protection of human rights defenders

12 June 2015

The African Great Lakes Human Rights Defenders Protection Fund is finally official! This innovative financial mechanism, championed by ASF, the East Africa Law Society and regional partners, is the first of its kind in the region. It has been designed to protect the rights and freedoms of Human Rights Defenders (HRDs) in the Great Lakes region of Africa (comprising Burundi, Democratic Republic of Congo, Kenya, Rwanda, Tanzania, and Uganda).

Human rights defenders are people who work to defend human rights for and on behalf of the most vulnerable people and communities. In the Great Lakes region of Africa, however, the rights of HRDs to protect and promote the human rights of others, as established in national and international laws, are too often denied or unprotected. The work of HRDs often exposes them to risks of persecution: threats of physical harm, criminal or administrative prosecution, harassment, and even violent crimes. Although "Risks cannot be eliminated from rights work", as one defender has commented, the way forward is to provide protection and support to HRDs to enable them to continue their important work.

Several studies conducted in the region have helped to assess the specific needs of HRDs for protection and have highlighted the desperate need for legal support. The Fund was devised to respond to this problem: it aims to respond to problems like gaps in the current legal framework, the absence of specific laws protecting HRDs, the interpretation and abuse of existing laws, and the lack of legal services available to HRDs and human rights organisations whose activities have been criminalised and who have been victims of attacks and/or threats.

Ms. Margaret Sekaggya, former UN Special Rapporteur on the Situation of HRDs, summarised the impact of this initiative as follows: "The Fund will go a long way in contributing to existing initiatives, and responding to identified needs."

The many HRDs and all those working for human rights in the region also welcomed the creation of the Fund. As Gerald Kankya, the HRD who won the 2012 European Union HRD Award put it, "Most of the time I draw my courage to keep going from the fact that someone is willing and able to offer practical support during times of risk, threats or attacks resulting from my human rights work. Thanks to the Fund, I feel, in a way, insured against the risks. Bravo ASF!"

As Gilles Durdu, ASF's Regional coordinator explained further: "The Fund is the first of its kind because it is a partnership of key HRD organisations in the region,<sup>1</sup> with long-standing experience and expertise in both the legal and protection fields, and can therefore offer high-quality strategies. This partnership ensures national representation while avoiding duplicating efforts already in place."

Gilles Durdu also added that the Fund would be managed by a regional Fund Manager, but that focal points in each country would connect local networks to the Fund. These focal points will act as hubs that identify, verify, and evaluate specific requests to access the Fund.

[www.hrdprotectionfund.org](http://www.hrdprotectionfund.org)

<sup>1</sup> Avocats Sans Frontières, East African Law Society (EALS), East and Horn of Africa Human Rights Defenders Project (EHAHRDP), the League of Human Rights in the Great Lakes region (LDGL), the National Coalitions for Human Rights in Kenya, Tanzania and Uganda, and Protection International (PI).



## Activities in 2015

### PROJECT

#### SUPPORT AND PROTECTION OF LAWYERS AND OTHER HUMAN RIGHTS DEFENDERS IN THE AFRICAN GREAT LAKES REGION AND IN EAST AFRICA (HRD)

**Partner:** East African Law Society (EALS)

**Funding:** European Union, Wallonie-Bruxelles International, UK Government (UK aid)

**Duration:** 3.5 years (November 2011 > June 2015)

**Budget:** €1,538,000

In 2015, in the form of direct assistance and legal assistance activities respectively, ASF was involved in 11 and 6 cases of human rights defenders (HRDs) threatened, mistreated, etc. as a result of their activities in the defence of human rights.

#### ■ Direct protection:

1. Subgranting in support of African Public Radio (Burundi) and its manager: bearing the costs of travel between Bujumbura and the detention centre where the manager was held, and the costs of communication, and of his defence.
2. Subgranting in support of a human rights lawyer, advisor to a member of the political opposition: strengthening of security, covering communication expenses, and provision of a safe for securing materials and important documents.
3. Member of an organisation promoting responsible citizenship among the Congolese youth: covering the costs of accommodation, food, and communications, in order to guarantee relocation.
4. President of an NGO working against violence and for development in North-Kivu (DR Congo): relocation and subgranting to cover expenses relating to accommodation, food, health care, and transport to the place of relocation.
5. Lawyer threatened because of their involvement in a court case (DR Congo): relocation, covering communication expenses, and assisting support from partner organisations.
6. President of an organisation fighting against corruption and embezzlement in Burundi: relocation.
7. Subgranting in support of the Burundi Journalists' Union: strengthening of security for the membership and data of the organisation, training for journalists in personal safety, risk mitigation, and the protection of sources, and supporting communication for journalists in remote areas.
8. Subgranting in support of the Ligue des droits de la personne (League of Human Rights) in the Great Lakes Region (Rwanda): strengthening of security for the membership and data of the organisation, training for staff in personal protection and digital security, installation of a system for the communication and exchange of information, which is secure and protected from outside access.
9. Subgranting in support of the organisation SOS-IJM in Bukavu (DR Congo): training in personal safety and data protection, drawing up of a security plan for the organisation, and purchase of a safe and external hard drives for securing sensitive information.
10. President of a human rights organisation based in Bujumbura (Burundi): covering accommodation, living, and communication expenses.
11. Subgranting in support of 4 Burundian HRDs relocated to Kigali and Nairobi.

#### ■ Legal protection:

1. President of an organisation working for peace and development in Kinshasa (DR Congo).
2. Manager of African Public Radio (Burundi).
3. President of an association for the protection of human rights and people in detention (Burundi).
4. In the context of repeated bans on demonstrating in Burundi, ASF provided legal assistance to the Forum pour le Renforcement de la Société Civile (Civil Society Forum), which lodged an administrative appeal against the Bujumbura administration.
5. Four HRDs under threat in DR Congo.
6. Opening of a procedure for lodging a claim against a judge for miscarriage of justice in the Floribert Chebeya case (DR Congo).

#### ■ Establishment of a Protection Fund (The African Great Lakes Human Rights Defenders Protection Fund, officially established in March 2015):

- 3 monitoring and capacity-building workshops on the financing, organisation, and management of the Fund (drawing up of a manual on administrative and financial procedures, procedures and criteria relating to the allocation of funds to beneficiaries of the Fund, internal rules, a fundraising strategy, and adoption of operational documents).
- Meetings for the launch of the Fund in Kampala (Uganda), Kigali (Rwanda), Nairobi (Kenya), Dar es Salaam (Tanzania), Kinshasa, and Goma (DR Congo).
- Creation of the website for the Fund,<sup>1</sup> flyers, and information brochures.<sup>2</sup>

#### ■ Capacity-building for the 42 lawyers of the regional pool:

- 1 training course on the subject of *Moot-Court competition and communication training*, aiming to build up the lawyers' expertise in terms of communication, both before the court and with the media, followed by a moot court competition on issues relating to human rights (27 participants).
- 1 coaching workshop on the subject of *Business and Human Rights* (21 participants).

#### ■ Strengthening legislative and political frameworks:

- Carrying out of a legal study on the constitutional validity of the law on protection for HRD, and organisation of a workshop to present it (14 participants) and a forum to discuss its conclusions with human rights NGOs (62 participants).
- Carrying out of a comparative case study on the courts' treatment of HRDs in the Great Lakes region and in East Africa.<sup>3</sup>
- 1 awareness-raising workshop on the role of the future Commission Nationale des Droits de l'Homme (National Coalitions for Human Rights Defenders in DR Congo), for human rights NGOs, civil society organisations, and international partners (32 participants).
- 1 workshop on the role of HRDs and the existing mechanisms of protection, for state authorities, the police, the army, and human rights NGOs (20 participants), followed by a sporting event.

<sup>1</sup> [www.hrdprotectionfund.org](http://www.hrdprotectionfund.org).

<sup>2</sup> See, for example, the pamphlet providing key information relating to the Fund in DR Congo: [http://hrdprotectionfund.org/wp-content/uploads/2015/05/HRD\\_Flyer-A4\\_RDC\\_FR\\_BD.pdf](http://hrdprotectionfund.org/wp-content/uploads/2015/05/HRD_Flyer-A4_RDC_FR_BD.pdf).

<sup>3</sup> [http://www.asf.be/wp-content/uploads/2015/12/HRDJudiciaryTreatment\\_Study-EN.pdf](http://www.asf.be/wp-content/uploads/2015/12/HRDJudiciaryTreatment_Study-EN.pdf).





The regional centre for exchange of ideas and advocacy, bringing together people involved in promoting the right to freedom of expression in Egypt, Morocco, and Tunisia, was launched in March 2015 in Rabat. © ASF/M. Ben Khouja



ASF published an observation report of the trial of Hicham Mansouri (photo), a Moroccan human rights activist sentenced for complicity in adultery.

## FOCUS

# The Mansouri trial: adultery case or judicial harassment?

17 January 2016

Hicham Mansouri, a Moroccan human rights activist, was released on 17 January 2016, having previously been sentenced to a 10-month prison term and a fine of 20,000 dirhams for complicity in adultery. ASF is concerned about the judicial harassment of those who support freedom of speech. With the release of its observation report on the Mansouri trial,<sup>1</sup> the NGO wishes to emphasise again the absolute importance of respecting the right to a defence and the requirements for a fair trial.

On 30 March 2015, the Rabat Court of First Instance sentenced Mr. Mansouri to ten months in prison and a fine of 20,000 dirhams (almost €2,000) for complicity in adultery under Morocco's Penal Code.

ASF had arranged for the judicial observation of this trial through a lawyer who is a member of ASF's International Legal Network. This intervention took place within the framework of ASF's *Kalima* project, which aims to promote freedom of speech and protect journalists and bloggers in Morocco, Tunisia and Egypt.

With Mr. Mansouri's release from prison, ASF is publishing the observation report of his trial. This report raises some crucial questions about what was supposedly just a simple adultery affair: why was the defendant held in pre-trial detention? Why was this case dealt with so quickly by the judicial authorities? Why did the security services put in place such extensive security measures during the hearings?

*"These various measures may be related to the political nature of this case. Hicham Mansouri is a human rights activist known for his commitment to the promotion of civil liberties and the freedom of the press in particular. His trial is an example of practices that are unfortunately quite common, and impede the work of people who stand up for freedom of speech, through judicial proceedings under ordinary law,"* suggests Chantal van Cutsem, ASF Strategic Coordinator for the countries of North Africa and the Middle East.

M. Mansouri, along with six other human rights activists and journalists, is still being pursued by the Rabat Court of First Instance. They are accused, in particular, of "endangering state security" because of their activities in the defence of human rights.

*"The judicial harassment of those who defend freedom of speech and human rights is worrying,"* notes Chantal van Cutsem.

ASF reiterates the importance of the right to a defence and of compliance with both the requirements for a fair trial and international standards.

1 [http://www.asf.be/wp-content/uploads/2016/01/ASF\\_20160\\_Proc--sMansouri\\_RapportObservation.pdf](http://www.asf.be/wp-content/uploads/2016/01/ASF_20160_Proc--sMansouri_RapportObservation.pdf).



## Activities in 2015

### PROJECT

#### BROADENING THE SCOPE OF FREEDOM OF EXPRESSION BY PROTECTING AND LEGALLY STRENGTHENING TRADITIONAL AND CITIZEN JOURNALISTS AND BLOGGERS (KALIMA)

**Partners:** ADALA (Morocco), Tunisian Centre for Press Freedom (Tunisia), Egyptian Coordination of Rights and Freedom (Egypt)

**Funding:** U.S. Department of State – The Bureau of Democracy, Human Rights and Labor

**Duration:** 34 months (October 2013 > August 2016)

**Budget:** \$668,250

This project covers Egypt, Morocco, and Tunisia.

#### Training:

- 1 course in Cairo (Egypt) on how to deal with accusations of defamation which can be used to reduce freedom of expression (12 journalists and 12 lawyers participated).
- 1 course on trial observation for staff from the Egyptian Coordination of Rights and Freedom.
- 2 local courses in Rabat (Morocco), on regional and international mechanisms for protecting freedom of expression (15 journalists and 15 lawyers participated).

#### Monitoring of cases involving traditional journalists and bloggers, lawyers, and human rights defenders (several cases were also analysed without resulting in an intervention):

- Freelance journalist accused of arms possession, murder, and “illegal gathering”, detained since 14 August 2013 awaiting his trial, Egypt: analysis of possible legal action at an international level, including the submission of a communication to the Working Group on Arbitrary Detention.
- Al Jazeera English case, Egypt (journalists and technicians suspected of belonging to a terrorist organisation): observation of the trial.
- Organisation defending journalists and bloggers unable to obtain legal registration with the authorities, Morocco: support for the organisation’s registration.
- Trade unionist accused of defamation, Tunisia: legal assistance via a Tunisian lawyer.
- Journalist accused of defamation and illicit behaviour towards a civil servant via social media, Tunisia: legal assistance via a Tunisian lawyer.
- Young man killed during a demonstration against the regime, Egypt: legal advice from an international lawyer, on submitting the case to the African Commission on Human and People’s Rights (2016).
- Hicham Mansouri, Morocco (human rights activist sentenced for complicity in adultery): observation of the trial.<sup>1</sup>
- 2 journalists accused of defamation, Tunisia: legal assistance via a Tunisian lawyer.

<sup>1</sup> The observation report of the trial, published in January 2016, a few days before the release of Mr Mansouri after 10 months in detention, is available at [http://www.asf.be/wp-content/uploads/2016/01/ASF\\_20160\\_Proc--sMansouri\\_RapportObservation.pdf](http://www.asf.be/wp-content/uploads/2016/01/ASF_20160_Proc--sMansouri_RapportObservation.pdf).

#### Establishment of a regional centre for exchange of ideas and advocacy bringing together people involved in the promotion of the right to freedom of expression:

- 1 focus group discussion with Moroccan NGOs on context developments in the human rights context.
- 2 meetings of the regional centre.
- 1 meeting of the steering committee in Rabat (Morocco), to establish a strategy for the centre and put in place mechanisms for coordination.

#### Legal analysis of draft laws on the suppression of attacks on the armed forces and the fight against terrorism and money laundering in Tunisia, and an appeal to the authorities to make them conform more closely to the Tunisian constitution and to international standards on freedom of expression.

#### Participation in the World Social Forum in Tunisia:

Organisation of a workshop on legislation limiting freedom of expression in the region, in collaboration with NOVACT, the Coordination Maghrébine des Organisations des Droits Humains (Maghreb Commission of Human Rights Organisations), the Moroccan Association of Human Rights, the Tunisian Human Rights League, the Algerian League for the Defence of Human Rights, the Mauritanian Human Rights Association, and Un Ponte Per.

<sup>1</sup> See the open letter from nine NGOs addressed to the Tunisian Parliament: <http://www.asf.be/wp-content/uploads/2015/07/LettreOuverte-VF-June-2015.pdf>.



TV teams, Tunis 2013  
© Mohamed Nidhal Battiche





Nepal - Hariram Chanday (on the left) only had one son, who was beaten and taken away by the state police. Hariram's grand-daughter (on the right) has no memory of her father. Many other children across the country have been orphaned by the state and the Maoist rebels  
© Universal TV and Media

# The Crossroads project



In Colombia, victims of "false positives" are abducted from poor neighbourhoods and then handed over to soldiers who execute them and present them as guerrillas killed in combat. Julián Oviedo, aged 19, disappeared in March, 2008. Six months later, his mother found him in a mass grave 500 kilometres from his home. © ASFC/Trópico Media

## Activities in 2015

### PROJECT

#### PROMOTING THE FULL IMPLEMENTATION OF THE ROME STATUTE PRINCIPLES (CROSSROADS)

**Funding:** European Union, MacArthur Foundation (since June 2014 for Uganda only), UK Government (UK aid), United Nations Development Programme (for DR Congo only)

**Duration:** 3 years (October 2013 > October 2016)

**Total budget:** €2,110,000

This project covers Burundi, Uganda, Colombia, Guatemala, Nepal, and DR Congo. Activities carried out in Burundi, Uganda, and DR Congo are listed in the chapters on these countries.

The activities in Latin America – Colombia and Guatemala – were carried out by Avocats Sans Frontières Canada. For details of these activities, see <http://www.asfquebec.org/en/publications-en>.

#### ■ The implementation of the project in Nepal (consisting of an appeal for the ratification and implementation of the Rome Statute) was delayed by the earthquake that hit the country in April 2015:

- 1 knowledge-exchange workshop on access to justice for victims of serious rights violations as set out in the project for a new constitution, with representatives of political parties, human rights activists, and lawyers.
- 1 knowledge-exchange workshop on the question of impunity in the new constitution, with members of the Constituent Assembly.
- 1 conference for judges on the Rome Statute.
- 1 regional knowledge-exchange workshop on international and Nepalese criminal law, bringing together judges, lawyers, and representatives of the National Human Rights Commission.

#### ■ The ASF staff in charge of the project have contributed to various international forums, including:

- 3 meetings dealing with the International Criminal Court (reform of the Court's Registry, annual meeting of NGOs and the ICC, and the Assembly of States Parties).
- High-level dialogue on guarantees of non-repetition, organised by the United Nations Special Rapporteur on the promotion of truth, justice, compensation, and guarantees of non-repetition (P. de Greiff).
- Conference organised by RCN Justice et Démocratie on the trial of Hissène Habré in Senegal (Extraordinary African Chambers).
- Conference organised by REDRESS on monitoring and evaluating the quality of legal representation.

#### ■ Position papers on the International Criminal Court published in 2015, which are not mentioned elsewhere in this report:

- ICC Registry Revision Project – *Basic Outline Proposals to Establish Defence and Victims Offices*<sup>1</sup> (April 2015).
- ASF position paper on the "Proposal of the Registrar on the Principles Guiding the Establishment of a Victims Office and a Defence Office"<sup>2</sup> (July 2015).
- CICC Legal Representation Team, *Comments and Recommendations on the Proposed Victims Office in the context of the Registry Revision* (April 2015).
- CICC Legal Representation Team, *Comments and Recommendations on the "Proposal of the Registrar on the Principles Guiding the Establishment of a Victims Office and a Defence Office"* (July 2015).

<sup>1</sup> [http://www.asf.be/wp-content/uploads/2016/06/ASF\\_IJ\\_PositionPaperReVision\\_20150422.pdf](http://www.asf.be/wp-content/uploads/2016/06/ASF_IJ_PositionPaperReVision_20150422.pdf).

<sup>2</sup> [http://www.asf.be/wp-content/uploads/2016/06/ASF\\_IJ\\_TeamPaper\\_RegistryNewProposal\\_20150703.pdf](http://www.asf.be/wp-content/uploads/2016/06/ASF_IJ_TeamPaper_RegistryNewProposal_20150703.pdf).





Young detainees  
© Amani Papy (Studio Jamaica)

# Research project

## Access to justice and development

**Funding:** UK Government (UK aid), European Union

**Duration:** 3 years (April 2014 > March 2017)

**Budget:** €380,000

Initiated in mid May 2014, the objective of the research project is to re-establish the link between justice and development. The approach used is to demonstrate the social and long-term impact of ASF action, over and above achieving results and carrying out the activities of the projects. Using multidisciplinary methods (law, economics, and anthropology), empirical studies designed to evaluate projects and incorporate the lessons learned were carried out in the places where ASF is active, the results of which were then discussed and circulated. The circulation of findings, highlighting ASF's expertise in this very under-explored field, is done internally in order to improve the quality of ASF's future actions, and externally for the benefit of those involved in development and justice aid, in order to demonstrate the importance of access to justice.

■ **Overseen by a coordinator specialising in questions of evaluation in the justice sector, in 2015, this project benefitted from the involvement of ASF staff on the ground. Internal capacity-building in terms of techniques for evaluating impact and the "justice and development" approach is also one of the project's objectives:**

- 1 study of the lessons to be learned from ASF action relating to pre-trial detention in Burundi.
- 1 analysis of the prison situation in Tunisia.<sup>1</sup>
- 2 studies on the socio-economic situation of prisons in DR Congo.<sup>2</sup>

■ **External collaborative projects were also initiated:**

- Three researchers specialising in development studies from Oxford and Edinburgh Universities - Imane Chaara, Jean Benoit Falisse, and Olivier Sterck - participated in a research project for the development of methodologies and analysis of data gathered during field studies.
- The British research centre and think-tank Bingham Centre for the Rule of Law is also carrying out a research project on access to justice. In early 2016, it published an article based on the study, referred to above, of the lessons to be learned from ASF action relation to pre-trial detention in Burundi.<sup>3</sup>

2016 is the research project's third and final year. This year's principal objective will be to publish and disseminate the results of the studies which have been carried out and to develop external collaborations. Alongside researchers from the Bingham Centre and the World Bank, among others, ASF's organisation of and participation in several conferences, will contribute to these two objectives: Washington College of Law in April 2016,<sup>4</sup> European Development Days in June,<sup>5</sup> University of Oxford in September 2016,<sup>6</sup> etc.



Tunisia © ASF/H. Gebes

<sup>1</sup> [http://www.asf.be/wp-content/uploads/2015/04/ASF\\_TUN\\_Detention\\_201503\\_EN.pdf](http://www.asf.be/wp-content/uploads/2015/04/ASF_TUN_Detention_201503_EN.pdf).

<sup>2</sup> The two studies *Pour quoi détenir* (Why Imprison?) and *Expériences de la détention dans la prison centrale de Matadi* (Experiences of detention in Matadi Central Prison), were finalised and published in 2016: [http://www.asf.be/wp-content/uploads/2016/06/ASF\\_RDC\\_WhyImprison\\_201604\\_PP\\_EN.pdf](http://www.asf.be/wp-content/uploads/2016/06/ASF_RDC_WhyImprison_201604_PP_EN.pdf) and [http://www.asf.be/wp-content/uploads/2016/06/ASF\\_RDC\\_Exp%C3%A9riencesPrison\\_201604\\_A4.pdf](http://www.asf.be/wp-content/uploads/2016/06/ASF_RDC_Exp%C3%A9riencesPrison_201604_A4.pdf).

<sup>3</sup> [http://binghamcentre.biicl.org/ruleoflawexchange/documents/191\\_moriceau\\_legal\\_aid\\_burundi.pdf?showdocument=1](http://binghamcentre.biicl.org/ruleoflawexchange/documents/191_moriceau_legal_aid_burundi.pdf?showdocument=1).

<sup>4</sup> <http://www.asf.be/en/blog/2016/04/29/breaking-fences-between-access-to-justice-and-development/>.

<sup>5</sup> <http://www.asf.be/en/blog/2016/06/16/acces-a-la-justice-et-developpement-durable-le-chainon-manquant/>.

<sup>6</sup> <http://www.nomadit.co.uk/dsa/dsa2016/>.





# The International Legal Network

In June 2015, a member of the ILN, Patrick Lessène, led a course on the regional and international mechanisms for protecting freedom of expression, in Rabat (Morocco)  
© ASF/M. Ben Khouja

■ **In 2015, members of the ILN, ASF's network of volunteer lawyers, carried out several missions in support of ASF programmes and field missions:**

- 30 missions in 7 countries (Burundi, Egypt, Morocco, Myanmar, Uganda, DR Congo, and Tunisia), totalling 163 days of work, in the form of strategic support, coaching, training, research, and trial observation.
- €81,500 thereby "saved" compared to the amount that these missions would have cost had they been carried out by paid external consultants.

## Financial report



# Financial report

## INCOME AND FUNDING STRUCTURE

The organisation's income rose to **€7,259,632** in 2015, representing an increase of **4.77%** compared to 2014 when it was €6,929,361.

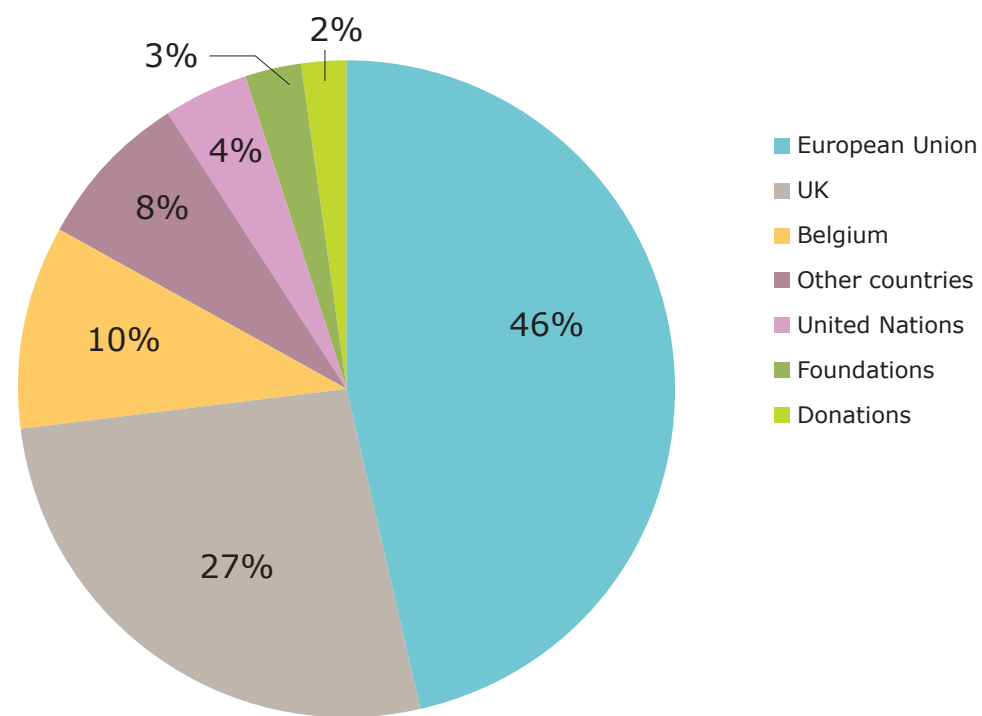
There is no change in the funding structure compared to last year: ASF continues to receive most of its funding from public sources, accounting for **95%** of its income, with a smaller proportion from private sources - **2%** from donations and **3%** from subsidies from private foundations.

## SOURCES OF FUNDING

Sources of funding for 2015 are similar to those in 2014, the principal donors being the European Union (€3,386,870) and the UK Government (€1,976,095).

Belgium (FPS Foreign Affairs and Development Cooperation and embassies) and its federal entities (Wallonie-Bruxelles International) represent **10%** of the association's public funding sources. This percentage represents a decrease compared to 2014 when they represented **17%** of income.

The balance of income came from national cooperation agencies (mainly the US, Switzerland, and France), the United Nations, foundations (MacArthur and Open Society Foundations), and donations.



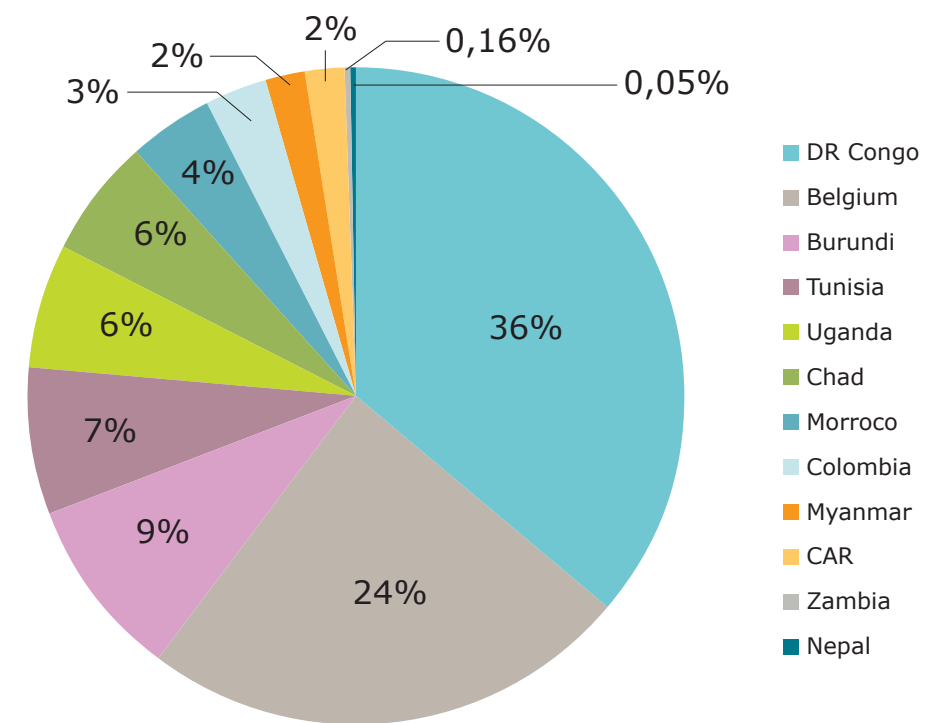
## COST DISTRIBUTION BY GEOGRAPHIC REGION

As in 2014, the Democratic Republic of the Congo is the most important country in which ASF operates in terms of the financial volume of projects (€2,621,029). On its own, it represents **36%** of the organisation's spending.

Belgium represents **24%** of the organisation's spending (€1,766,996). This amount ensures the operation of central services (management, finances, human resources, communication) and the development of the organisation's expertise.

Spending in other countries:

- Burundi: €687,325
- Tunisia: €525,197
- Chad: €442,462
- Uganda: €414,489
- Morocco: €276,880
- Colombia/Guatemala: €185,604 via partner ASF Canada
- Myanmar: €176,774
- Central African Republic: €147,352
- Zambia: €11,734
- Nepal: €3,790 via partner INSEC



## ASF AND ITS IMPLEMENTATION PARTNERS

Year after year, ASF is strengthening its relationships with partners in the various countries in which it is active. In 2015, **10%** of the financial volume of projects was implemented by partners.

## IMPLEMENTATION RATE

ASF spent **88%** of the budget for 2015. This implementation rate is positive, given the unstable contexts in which ASF works, and reflects good budgetary control.



## BALANCE SHEET (IN €)

		2015	2014	2013
<b>ASSETS</b>				
Fixed assets	20/28	45,058	40,684	31,021
II. Intangible assets	21	0	29	495
III. Tangible assets	22/27	4,185	5,864	2,247
B. Installations, machinery and equipment	23	3,044	3,928	1,201
C. Furniture and vehicles	24	1,141	1,936	1,046
IV. Financial assets	28	40,873	34,791	28,278
Current assets	29/58	2,723,828	1,284,747	2,436,485
VII. Amounts receivable within one year	40/41	429,261	217,292	147,287
IX. Cash at bank and in hand	54/58	2,265,212	1,066,519	2,273,599
X. Deferred charges and accrued income	490/1	29,355	936	15,599
<b>TOTAL ASSETS</b>	<b>20/58</b>	<b>2,768,886</b>	<b>1,325,431</b>	<b>2,467,505</b>

<b>LIABILITIES</b>				
Association Funds	10/15	457,181	322,280	426,273
IV. Reserves	13	354,119	354,119	354,119
V. Profit brought forward	140	103,062	0	72,154
Loss brought forward	141	0	(31,843)	0
VI. Capital subsidies	15	0	0	0
VII. Provisions and deferred taxes	16	532,201	528,076	309,163
Debts	17/49	1,779,504	475,078	1,732,069
B. Financial debts	43	0	0	0
C. Trade creditors	44	98,650	126,910	208,475
E. Taxes, salaries and social welfare contributions	45	235,298	227,447	207,113
1. Taxes	450/3	17,211	17,585	94,794
2. Salaries and social welfare contributions	454/9	218,086	209,862	112,319
F. Other debts	47/48	1,407,796	29,283	1,294,349
3. Non-interest bearing debt (donor advances)	4891	1,407,796	29,283	1,294,349
X. Accrual and deferred income	492/3	37,760	91,438	22,132
<b>TOTAL LIABILITIES</b>	<b>10/49</b>	<b>2,768,886</b>	<b>1,325,431</b>	<b>2,467,505</b>

## ALLOCATED FUNDS

In order to provide better coverage of the risks associated with current demands for project co-funding, ASF made a provision of €418,292 on the liabilities side of the balance sheet.

This amount covers the risks associated with co-funding for all funding contracts signed by the organisation on 31 December 2015.

In addition to this provision, ASF maintains provisions made for tax liabilities (€10,159), and legal risks (€103,751).

## PROFIT AND LOSS ACCOUNT (IN €)

		2015	2014	2013
I. Operating Income	70/74	7,259,632	6,929,361	5,736,167
A. Grants	70	7,100,891	6,778,058	5,607,363
B. Membership fee, donations and legacies	73	155,973	149,349	128,804
a. Membership fee		2,290	2,742	4,172
b. Donations from individuals		16,837	9,681	5,811
c. Donations from bar associations		115,225	114,000	102,464
d. Donations - others		21,621	22,926	16,357
C. Other operating income	74	2,768	1,955	0
II. Operating charges	60/64	-6,953,696	-6,895,142	-5,103,099
A. Services and other goods	61	4,182,210	3,866,541	2,841,105
B. Salaries, social welfare and pensions	62	2,693,954	2,776,241	2,231,957
C. Depreciation	630	3,994	3,329	12,715
D. Amounts written off on trade debtors	631/4			
E. Provision for risks and losses	635/7	45,875	225,706	279,676
F. Other operating charges	640/8	27,663	23,325	17,322
III. Operating profit	70/64	305,936	34,219	353,392
IV. Financial income	75	95,431	52,136	4,921
V. Financial charges	65	-154,149	-112,183	-124,189
VI. Gain on ordinary activities before charges	70/65	247,218	-25,828	234,124
VII. Extraordinary income	76	14,885	12,115	23,730
VIII. Extraordinary charges	66	-127,203	-90,283	-31,450
IX. Result for the financial year	70/66	134,901	-103,996	226,404
A. Result to be appropriated	70/69			
a. Result for the year available for appropriation	70/68	134,901	-103,996	226,404
b. Result brought forward from the previous year	790	-31,843	72,154	
B. Allocation to association fund	691/2			175,000
C. Profit to be carried forward	793/693	103,062	-31,843	72,154

## ANNUAL RESULTS FOR 2015

ASF made an annual operating profit of €**134,901**.

This amount enabled the association to once again report a profit and to increase its own level of equities, which rose to €**457,181** on 31 December 2015.



Avocats Sans Frontières abides by the Ethical Code of the Association for ethical fundraising. This means that donors, those we work with, and employees are informed of how the funds raised are used at least once a year.





The ASF Heads of Mission gathered for the World Social Forum in Tunis in March 2015 © ASF/M. Ben Khouja

#### BOARD OF DIRECTORS

President: Peter Van der Auweraert  
 Vice-presidents: Edgar Boydens and Jean-Marc Verjus  
 Treasurer: Frans Macken  
 Secretary: Caroline Stainier  
 Board members: Jérôme de Hemptinne, Pierre Legros, Jacqueline Oosterbosch, Hafida Talhaoui, Filip van Bergen, Luc Walleyen

#### EXECUTIVE DIRECTOR

Francesca Boniotti

### AT HQ IN BRUSSELS

#### ADMINISTRATION, FINANCES AND LOGISTICS

Michael Annett, AFL Manager (since 23/11)  
 Bolívar Castro, Financial Controller (until 31/10) then Internal Controller  
 Margot Chevnard, Human Resources Officer (until 31/08)  
 Nadin Coulibaly, Administrative, Finance and Logistics Assistant  
 Quentin Minsier, Partnerships Coordinator (since 01/03)  
 Gabriel Paradis, AFL Manager (since 01/11)  
 Ronald Simon, Finance and Administration Director (until 08/05)  
 Pascal Vanden Eynde Financial Controller (until 31/05) then Administration and finance Director

#### HUMAN RESOURCES

Caroline Defrance, HR Coordinator (since 12/01)  
 Karin Latreille, HR Manager (since 27/08)

#### STRATEGIC COORDINATION

Luc Meissner, Strategic Coordinator (until 30/11)  
 Catherine Lalonde, Strategic Coordinator (since 01/11)  
 Chantal Van Cutsem, Strategic Coordinator

#### THEMATIC EXPERTISE AND PROJECT COORDINATION

Catherine Denis, International Justice Expert (since 16/02) then Legal Advisor (since 15/08)  
 Myriam Khaldi, Access to Justice Expert  
 Jean-Philippe Kot, International Criminal Justice Expert  
 Catherine Lalonde, Strategic Litigation Coordinator (until 31/10)  
 Bruno Langhendries, Legal Aid Expert  
 Hélène Luther-Caby, International Justice Programme Coordinator (until 18/10)  
 Anne-Françoise Meeús, International Legal Network Coordinator  
 Julien Moriceau, Research Coordinator  
 Shira Stanton, Human Rights Expert

#### COMMUNICATION AND EXTERNAL RELATIONS

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

Marion Bouvier, Assistant to the Board  
 Manuela Torrao Pereira, Cleaner

#### VOLUNTEERS, STUDENTS, AND INTERNS

Volunteer (finances): Gisèle Van Antwerpen  
 Access to Justice Interns: Camille Alberto Migalet, Antonio Angotti, Frédérique Bourque, Annabelle Buisson, France Malchair  
 Communication Interns: Nathalie Bienfait, Julie Cavillot, Kevin Cesar, Alexandre Daras, Pierre Marion, Catherine Ngo Biyack  
 Crossroads project Interns: Camille Brecx, Sophie Clément  
 ILN Interns: Constance Berne, Lucie Cacard, Damien Govaerts, Gorana Popovic  
 Administration, Finance, and Internal Logistics: Floriane Decourty, Laetitia Fickers, Kassoum Tre  
 ASF also relies on numerous volunteer translators and interpreters.

### IN BURUNDI

Céline Lemmel, Head of Mission

#### BUJUMBURA: HQ

Jules Bankibigwira, Logistician  
 Déo Burero, Cleaner (until 30/11)  
 Sistor Havyarimana, Legal Assistance Coordinator  
 Noella Irankunda, Legal Aid Technical Associate  
 Drivers: Jean Marie Ndikumana, Olivier Rubengebenge  
 Adrien Nifasha, International Justice Coordinator (until 14/01)  
 Steve Aleck Nininahazwe, Legal Aid Technical Associate  
 Jean Nsengiyumva, Monitoring and Evaluation Coordinator  
 Laetitia Ntezicimpa, Bookkeeper (until 30/11)  
 Evelyne Nyagasa, Finance Coordinator  
 Gilbert Nzeyimana, Administration and Logistics Coordinator  
 Romain Ravet, Legal Aid Development Officer  
 Cynthia Rama, Assistant Logistician  
 Lyduine Ruronona, Project Manager  
 Innocent Sendimaso, Finance Assistant (until 30/10)

#### BUJUMBURA: PIDDAR PROJECT

Antoinette Kankindi, Technical Associate (until 30/11)  
 Legal support (until 30/11): Jean de Dieu Ndayihaya, Mélance Niyonkuru, Digne Ntakiyiruta  
 Axelle Nzitonda, Project Coordinator  
 Juste Yamuremye, Project Assistant

#### GITEGA

Barnabé Nyandwi, Driver

#### RUYIGI

Richard Dusabimana, Legal support (until 30/11)  
 Alain Lionnel Nduwarugira, Driver (until 30/11)

#### MUYINGA

Léonidas Ndagijimana, Driver (until 30/11)  
 Nicole Alida Nininahazwe, Legal support (until 30/11)

### IN MOROCCO

Bahia Zrikem, MENA Representative (until 30/09)  
 Nisma Bounakhla, MENA Representative (since 26/10)  
 Mehdi Ben Khouja, Assistant to the Representative (since 01/03)

Achraf Lamarti, Administration, Finance, and Logistics Officer (until 02/03)  
 Azelarab Sadouki, Administration, Finance, and Logistics Officer (since 13/04)



IN UGANDA

Jane Ading Anywar, Programmes Officer  
Samuel Asiimwe, Administration, Finance, and Logistics Coordinator (since 01/11)  
Gilles Durdu, Regional Coordinator Human Rights Defenders project  
Maria Jurua, Legal Advisor  
Dorah Caroline Mafabi, Programme Coordinator  
Godfrey Daniel Namukoga, Driver  
Diana Natukunda, Project Assistant International Justice  
Daniel Omara, Legal Advisor  
Sylvia Jill Sabiiti, Administration, Finance, and Logistics Coordinator (until 31/08)  
Godfrey Tumuhaise, HRD Protection Fund Coordinator  
Consolate Nyangoma, Cleaner



The ASF team in CAR at the launch of the project in July 2017 © ASF/L. Kaye

IN CENTRAL AFRICAN REPUBLIC

Boubacar Diabira, Head of Mission (from 01/04 until 30/09)  
Martin Causin, Head of Mission (from 01/10 until 31/12)  
Adrien Nifasha, Head of Mission (since 01/12)  
  
Ludovic Médard Kolengue Kaye, Project Coordinator (since 16/06)  
Alladoum Yakota Danbe, Project Assistant (since 16/12)  
Prisca Marcelle Ngouandza Natoumet, Administration, Finance, and Logistics Coordinator (since 01/06)

IN DEMOCRATIC REPUBLIC OF CONGO

Josselin Léon, Head of Mission

BUKAVU

Drivers: Benjamin Bukaraba, Abeli Mushamaliwa Munganga  
Pascaline Cibalonza Rhindya, Cleaner  
Bienvenu Mangara Birindwa, Administration, Finance, and Logistics  
Odon Mupepe Mandela, Programmes Manager (until 31/01)

BUNIA

Project Assistants: Mitterand Bosa Elema (International Justice then Ituri Programme Manager), Nicaise Bumba Angwezi (Access to Justice), Patient Kikwaya Kahindo (Administration of Justice)  
Drivers: Blaise Kpena Magolo, Jeannot Muhindo Mutsambi  
Guillaume Liripa Ngbachulu, Administration, Finance, and Logistics  
Marc Makwala Mpaka, Programmes Manager (until 22/05)

GOMA

Evariste Biruke Bisimwa, Administration and HR (since 07/01)  
Laurent Collinet Brdys, Administration, Finance, and Logistics Coordinator  
René Dhedonga Ngabu, Logistician (until 10/09)  
Eric Kanyamihigo, Bookkeeper  
Drivers: Justin Kashira Ndoole, Olivier Kasiru Mwikiza  
Project Assistants: Charmante Kinja Simba (Administration of Justice, Olivier Karume Kenge (International Justice), Yvette Shakira (Human Rights, from 01/04 until 30/06)  
thématiques Coordinators: Johnny Lobho Amula (Monitoring, Evaluation, and Gender), Julien Cigolo Muzusangabo (Access to Justice)  
Alexandre Lopes Rocha Lima, Programmes Coordinator East  
Béatrice Mbonigaba Sagamba, Logistician (since 16/11)  
Jules Rhuhunemungu Nyamushebwa, Programmes Manager North Kivu  
Laurent Semasaka Sempame, Administration, Finance, and Logistics Assistant (since 14/07)



L'équipe d'ASF à Kinshasa en décembre 2015 © ASF

IN CHAD

Ben Kabagambe, Programmes Coordinator (until 31/07)  
Gilles Durdu, Head of Mission (since 01/08)  
  
Victor Bimbo, Guard (until 10/10)  
Djimet Kemtitinan, Administration, Finance, and Logistics Coordinator  
Dagal Ndlah Nana, Assistant Project Coordinator

IN THAILAND

Miriam Chinnappa, ASF Asia Representative

IN TUNISIA

Martin Causin, Head of Mission (until 05/05)  
Antonio Manganella, Head of Mission (since 05/05)  
Lisa Palfart, Deputy Head of Mission (until 15/11)  
Karim Siala, Deputy Head of Mission (since 01/12)  
  
Nadia Ben Halim, Project Coordinator  
Hela Ben Salem, Project Coordinator  
Anissa Boussofara, Advocacy Officer (since 01/10)  
Nissaf Brahmi, Project Manager (since 20/07)  
Hichem Chebbi, Logistician  
Olfa Dridi, Finance Officer (since 11/05)  
Makia El Haj Younes, Cleaner (since 01/03)  
Monia Ghanmi, Intern (since 21/09)  
Haifa Gebs, Communications Officer (since 02/03)  
Jihene Hosni Harabi, Administration, Finance, and Logistics Coordinator  
Haifa Jeljli, Programme Coordinator (since 19/10)  
Aymen Larguet Project Manager (from 18/02 until 31/10)  
Zeineb Mrouki, Project Manager (since 01/10)  
Khouloud Nsiri, Project Manager (since 27/04)  
Azaiz Samoud, Project Manager (since 12/02)

KINSHASA

Drivers: Walter Batshina, Augustin Mvumbi Mamueneko  
Coordinators for specific themes:  
Fabien Buetusiwa (Human Rights),  
Dominique Kamuandu (International Justice and cases sensibles)  
Marie Chiche, Programmes Coordinator West  
Degaul Joseph Mukendi, Communications Officer (since 01/09)  
Rita Kaji Manyonga, Administration, Finance, and Logistics Assistant  
Project Assistants: Eugène Kibandja Buunda (Kinshasa), Paulin Shabantu Kalepfulo (Bas Congo/Kongo Central)  
Bibiche Misenga Kabadi, Cleaner  
Jacques-Martin Tshimuanga Biayi, Administration, Finance, and Logistics  
Elysée Sindayigaya, Editor (from 06/07 until 05/09)

MBANDAKA

Fabien Kiyimbi Muyololo, Equateur Project Assistant



The ASF team in N'Djamena in November 2015 © ASF/G. Van Moortel





Soe Moe Kyaw (left),  
National coordinator for  
Rule of Law Centres in  
Myanmar, with his daughter  
© ASF/J. Stevens, 2015

Cover photograph: Viktor spent two months in a Congolese prison. *"I was there for exactly two months; two months of injustice and atrocities."* © Rosalie Colfs for ASF

Annual report 2015

Responsible publisher: Francesca Boniotti, rue de Namur 72, 1000 Brussels, Belgium

Layout: Marina Colleoni

Publication finalised: August 2016

Printed on Condat Mat Perigord



Avocats Sans Frontières, 2016

© Avocats Sans Frontières (ASF), *Annual report 2015*

ASF allows the use of this original work for non-commercial purposes, provided it is attributed to its author by citing our name. ASF does not allow the creation of derivative works. This manual is available under the terms of the Creative Commons Attribution License – Non-commercial use – No derivatives – 4.0 International: <http://creativecommons.org/licenses/by-nc-nd/4.0/>.

Ce document est également disponible en français.

English translation: Laura Jones



**Avocats Sans Frontières**  
Non-profit association under Belgian law  
rue de Namur 72 Naamsestraat  
1000 Brussels  
Belgium  
Phone: +32 (0)2 223 36 54

Help bring about a fairer world  
by supporting justice  
and the defence of human rights.

Make a donation to Avocats Sans Frontières  
IBAN: BE89 6300 2274 9185  
BIC: BBRUBEBB

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



[www.facebook.com/ASF.AdZG](http://www.facebook.com/ASF.AdZG)



[twitter.com/ASF\\_NGO](https://twitter.com/ASF_NGO)



[issuu.com/avocatssansfrontieres](http://issuu.com/avocatssansfrontieres)