



AVOCATS SANS FRONTIERES France

« where the defence is not allowed to get a word »

ASF France 8 rue du Prieuré 31000 Toulouse (FRANCE) Tel. +33 (0)5.34.31.17.83
info@avocatssansfrontieres-france.org - www.avocatssansfrontieres-france.org

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Édito

Thanks to everyone's work, Avocats Sans Frontières France is expanding and continuing with its mission to contribute to bringing the protection of the law to those who are the most vulnerable.

Today more than ever our action needs new resources, firstly human resources (volunteers, lawyers, etc.) who make up the real wealth of our association, but also material and financial resources, in order to complement the vital institutional support that we receive, support which also shows that the value of our action is recognised.

Inside this letter you will find a form that can be returned to us with your contribution to our action to fight against torture in Nigeria.

François CANTIER,
President of ASF France

LIBYA: The Avocats Sans Frontières Network alongside the victims



Demonstration in front of the local Court in Benghazi – April 2011

In April Libyan lawyers and families of victims requested the assistance of Avocats Sans Frontières France with respect to the atrocities that they impute to the armed forces of the Mouammar Kadhafi regime. Certain relationships have existed since the time when ASF France provided legal defense to the Bulgarian nurses and Palestinian doctor in Libya.

After referring the case, ASF France requested the assistance of the entire Avocats Sans Frontières Network (see Page 2), which agreed to send a team of lawyers to assist the victims.

In May, a team composed of ASF France and ASF Italy, with a mandate from the ASF Network, went to Libya, and the Benghazi region, in order to make first contact with the victims and lawyers, and to collect the first elements relating to the crimes of which these persons declare they have been victims.

Mr Philippe Moriceau, a lawyer on the mission, describes "massacres, houses with dozens of bodies of civilians inside [...] Everything is reminiscent of large-scale generalised systematic attacks against civilian populations".

Working in these difficult conditions, with the country still at war, the lawyers on the mission were able to carry out the initial stage of their work effectively. The testimonies and different elements that they collected are reminiscent of the crimes that fall within the competence of the International Criminal Court (ICC). The mission used this opportunity to talk with Libyan lawyers about ICC procedures.

The ASF Network is also working alongside the lawyers and families of victims to develop ICC procedures.

The Avocats Sans Frontières Network team is the first team of lawyers to work directly on site in the country as, until now, investigations of a diverse nature have only been possible in refugee camps.

Other missions are planned in the framework of the ICC procedures.

NIGERIA: THE FIGHT AGAINST TORTURE

... APPEAL FOR DONATIONS

The Fight Against Torture in Nigeria Project has achieved excellent results since it began in 2009. For the first time in Nigeria, under the impetus of ASF France and the lawyers on the project, acts of torture committed by law enforcement officials have been referred to the courts, recognised as acts of torture, and punished by the courts.

In several cases, the High Courts of Justice in different States have decided to liberate tortured prisoners, to abandon legal proceedings, and even to award damages for the abuse suffered.

This project receives financial support from the European Union but it needs complementary funds in order to fulfil its mission.

You can say PUT AN END TO TORTURE - with your donation
Tel. +33 (0)5.34.31.17.83 - info@avocatssansfrontieresfrance.org

Tax deduction: Under Article 200 of the General Tax Code, your donation entitles you to an income tax deduction of up to 66% of the sum of your donations, up to 20% of your net taxable income.



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CHEBEYA CASE: an ambivalent verdict



FLORIBERT CHEBEYA (ON THE PHOTO TO THE LEFT), DEFENDER OF HUMAN RIGHTS, WITH WORLDWIDE RECOGNITION FOR HIS COMMITMENT AND PRESIDENT OF THE CONGOLESE NGO "VOICE OF THE VOICELESS" WAS FOUND DEAD ON 2 JUNE 2010 IN THE BOOT OF HIS VEHICLE, BOUND AND SHOWING VISIBLE SIGNS OF TORTURE. ON THE PREVIOUS DAY, ACCOMPANIED BY HIS CHAUFFEUR, FIDELE BAZANA, SINCE THEN REPORTED MISSING AND PROBABLY ASSASSINATED, HE HAD OBEYED A SUMMONS MADE BY GENERAL JOHN NUMBI, CHIEF OF POLICE.

The verdict in the Floribert Chebeya case was given on Thursday 23 June.

See opposite the sentence passed

Confronted with the public indignation that this double assassination aroused in the DRC and throughout the world, and thanks to the mobilisation of the families of the victims, their lawyers and the NGO "Voice of the Voiceless", several police officers in charge were arrested and brought before the courts.

The trial opened on 3 December 2010 with the participation of Avocats Sans Frontières France and its President Mr François Cantier forming part of the joint group for the defense of the plaintiffs, under the leadership of the President of the Bar Jean-Joseph Mukendi wa Mulumba.

In the name of the Avocats Sans Frontières Network and of members of civil society united around the International Organisation of the Francophonie, François Cantier took part in the defense of the plaintiffs.

During the trial, the families of the victims and their lawyers denounced the fact that no legal action had been taken against General John Numbi, who had signed the summons delivered to Floribert Chebeya.

The lawyers of the plaintiffs are calling for proceedings for assassination be opened against him without delay.

The fight against immunity from prosecution is still the top priority of Avocats Sans Frontières France, the ASF Network and the INGOs of the Francophonie which, through the voice of Mr François CANTIER, formed part of the joint group for the defense of the plaintiffs, alongside the families of Floribert Chebeya and Fidèle Bazana and the association "Voice of the Voiceless".

IMPORTANT : Avocats Sans Frontières France, in its philosophy and its action, is opposed to the death penalty.

Daniel Mukalay :

Death penalty for the assassination of Floribert Chebeya; Discharge from the army.

Christian Ngoy Kenga-Kenga :

20 years' imprisonment for the illegal possession of weapons; 5 years' penal servitude for desertion in peacetime; Death penalty for terrorism; Discharge from the army.

Paul Mwilambwe :

Death penalty for the assassination of Floribert Chebeya; Death penalty for terrorism; 5 years' imprisonment for the arbitrary arrest and detention of Fidèle Bazana.

Michel Mwila :

Life imprisonment for complicity in the assassination of Floribert Chebeya.

Jacques Mugabo :

Death penalty for the assassination of Floribert Chebeya; Death penalty for terrorism; 5 years' imprisonment for the arbitrary arrest and detention of Fidèle Bazana; Convicted of desertion in peacetime; Demotion in army rank.

Georges Kitungwa Amisi :

acquitted

François Ngoy Mulongoy :

acquitted

Blaise Mandiangu Buleri :

acquitted



Military High Court in the Democratic Republic of Congo
(Photo archive - AFP)

The Avocats Sans Frontières Network is expanding and growing stronger

Since April 2011, with the membership of 3 new associations in the Congo, the Democratic Republic of Congo, and Togo, the ASF Network now has 16 national associations.

In February 2011, 20 members of 9 associations in the ASF Network participated in the 1st Training Programme for Trainers of the Network, on the premises of Clifford Chance in Paris. Here the ASF associations shared and acquired training methods to enable them to propose and organise training projects in their own countries and elsewhere.

In addition to its action alongside the victims in Libya (see Page 1), the ASF Network continues with its emergency legal defense missions, amongst others in the Floribert Chebeya case and in various cases involving journalists – in particular Max Savi Carmel of Tribune d'Afrique in Togo (see Page 4) and Mohammed Attaoui in Morocco - work carried out in collaboration with Reporters Without Borders.

On 14 April 2011, the ASF Network brought together specialists, NGOs, academics and lawyers to discuss the theme "The internationalisation of international criminal justice", in Geneva in Switzerland, at its 2nd international conference.



Received by ASF Switzerland, all the member associations of the ASF Network met together on 15 and 16 April. At this plenary meeting, new members were welcomed and a one-year action plan was set up. This action plan focuses on the internal strengthening of the ASF associations, the concerted action of the ASF associations for the most vulnerable, and the communication tools of the Network, including the forthcoming setting up of its Internet site:

<http://asf-network.org> In August, the ASF Network is organising a training session for its members on project management tools in Toulouse.

Update on projects:

IN CAMBODIA...

Trial of the ex-Khmer Rouge leaders: in March the trial appeal hearings took place concerning Duch, the former director of the S21 Prison, sentenced, in the first instance, to 35 years' imprisonment.

The judgment phase of the second trial, concerning 4 high-ranking Khmer Rouge regime leaders, began on 28 June.

At the two trials, ASF France represented more than a thousand victims.

In addition, ASF France continues working in Cambodia to **strengthen the capabilities of judicial actors and to improve access to justice for the most vulnerable.**

Training programmes for student lawyers are continuing, and the 22 lawyers participating in the legal assistance programme continue with their work throughout the country.



Working meeting between lawyers of the plaintiffs, in Cambodia, May 2011



Training session in Cambodia, March 2011

IN LAOS...

After the 1st year of the project, ASF France and the Laos Bar Association have now set out their programme for 2011. Two training sessions will take place on the *Lawyer's Role and International Legal instruments*.

IN CAMEROON...

The mission to set up the **project Dignity in Detention** took place in March.

The highlight of the mission was the launching conference which brought together numerous representatives of judicial bodies, cooperatives and local associations.

The 1st mission consisting of training sessions and prison visits will take place during the summer, with the participation of ASF France, ASF Cameroon and the Cameroon Bar.



Conference to launch the project Dignity in Detention, March 2011

IN NIGERIA...

The mission to set up the **project Fight against the Death Penalty** took place in March. A local project team was recruited, including 8 relay lawyers (1 per Target State).

The **project Fight against Torture** also continues. In May a training session took place in Kano for judicial actors (magistrates, lawyers, judicial police officers), as well as an awareness-raising session for Women's Associations, including the FIDA (International Federation of Female Lawyers).



Group photo, Pointe Noire, in Congo Brazzaville, April 2011

INTER-REGIONAL TRAINING PROGRAMME IN FRENCH-SPEAKING AFRICA...

The Human Rights Defenders, trained by ASF France, organised their 1st training session in Congo Brazzaville on 31 March and 1 April.

The group trained about 20 representatives of Congolese civil society on the theme "*Preventing Violence, Assisting the Victims, Legal instruments for Human Rights Defenders*".

The next session will take place in Douala, in Cameroon, in September.



THE INTERNATIONAL OBSERVATORY FOR LAWYERS

→ The International Observatory for Lawyers has issued its report on the situation of lawyers who are threatened throughout the world. **Report available on: www.observatoire-avocats.org**

A presentation on this report was made to the Delegation of French Bars in Brussels on 9 June, in the presence of all the partners: Avocats Sans Frontières France, the Paris Bar Association, the French National Bar Council, the General Council of Spanish Lawyers, and the Italian Bar Council.

The Observatory continues with its missions to defend and protect lawyers in Colombia, Georgia (on behalf of Mariana Ivelashvili), Pakistan, Mexico, etc.

With the support of: European Commission, Ministry of Foreign and European Affairs (France), Embassies of France abroad, Prime Minister (France), Development French Agency, Organisation Internationale de la Francophonie, National Council of bar associations, Conference of Presidents, National Federation of young lawyers unions, Clifford Chance (privileged partnership), Allen & Overy, Microsoft, School of Human Rights and numerous bars, French regions, departments and city councils.





Account given by Max Savi Carmel, who is in charge of the newspaper Tribune d'Afrique, during his visit to France on 25 May 2011

"ASF's support was very important for us, not only the financial support that it provided [...] but much more importantly the aura of your association which enabled us to defend our newspaper effectively at this trial. I believe that this case has had a real impact in Togo. However, whatever the verdict, even if we are fined 2 francs, we will appeal. We will take the case to the Supreme Court. It is important for us to continue right to the end, and not to stop now."

Because of the publication of an article on drug trafficking in Togo, which implicates the half-brother of the Togolese President, a complaint was lodged. Defended by ASF France, Tribune d'Afrique has appealed against the first instance decision which found it guilty and banned its publication.

Celebration of a new partnership

ASF France and the company Sharp Sofeb signed a sponsorship agreement on 11 May in Toulouse.

Very impressed by the values defended by the association, the executives of Sharp Sofeb have decided to provide their own type of assistance in the form of technological sponsorship providing a high-performance printing solution.

"Sharp Sofeb hopes to pass on its enthusiasm for ASF France to its network of clients, suppliers and friends. ASF is a very generous organisation. Generosity means sharing what one loves with others, for this reason Sharp Sofeb will do its utmost to raise the awareness of its network about the importance of making one's own contribution to the causes defended by ASF France." Richard Perron, Sales Development Director for Sharp Sofeb.



From left to right:
R.Perron, Sales Development Director for Sharp Sofeb,
P.Saint Geniest, President of the Toulouse Bar,
F.Cantier, President of ASF France,
H.Moudiki Jombwe, Director of ASF France

Law and Democracy Prize

On Friday 29 April the Diploma "Promoter of Democracy in Africa" was presented to Mr François CANTIER for his personal commitment, and that of the association of which he is president, to the strengthening of the rule of law in Africa.

This distinction is awarded by the Pan-African Observatory for Democracy (OPAD)*.

The award ceremony took place in parallel with the international conference on African democracy which took place in Lome (Togo) on 26-30 April 2011.

*The OPAD is an institution which has "the status of observer for the African Commission on Human and Peoples' Rights".



François CANTIER receiving the diploma

ASF France Training Programmes

+33 (0)5.34.31.17.83 - formations@avocatssansfrontieres-france.org

"Lawyers Tools in the International Arena and Universal Competence" - 29, 30 Sept and 1 Oct - Toulouse

Training for Trainers, Level I, "Fundamentals" - 9, 10, 11, 12 November - Paris

"International Criminal Defense and the International Criminal Court" - 16, 17, 18, 19 November - Paris

"Regional Systems (African and European) for the Protection of Human Rights" - 24, 25, 26 November - Paris

Training for Trainers, Level II, "Reinforcement" - 1, 2, 3 December - Toulouse

TRAINING PROGRAMMES OPEN TO THE PUBLIC, FEES PAID BY THE FIF PL (INTER-PROFESSIONAL TRAINING FUNDS FOR THE LEGAL PROFESSIONS), ELIGIBLE FOR DIF (INDIVIDUAL RIGHT TO TRAINING) FUNDING, APPROVED BY THE FRENCH NATIONAL BAR COUNCIL AND TAUGHT BY SPECIALISED PEDAGOGY EXPERTS AND PRACTITIONERS WITH EXPERIENCE OF INTERNATIONAL CRIMINAL COURTS.



Find the calendar of all the activities of the association on avocatssansfrontieres-france.org

15-18 SEPTEMBER: JURISCUP IN MARSEILLE

24-25 SEPTEMBER: ASF FRANCE WEEK-END OF REFLECTION IN AINHOA (64)

30 SEPTEMBER - 2 OCTOBER: GESICA CONGRESS IN MONACO

6-7 OCTOBER: ACE CONGRESS IN PERPIGNAN

19-22 OCTOBER: NATIONAL LAWYERS CONVENTION IN NANTES

29 OCTOBER: ASF FRANCE ANNUAL GENERAL MEETING FOLLOWED BY BOARD OF DIRECTORS MEETING IN TOULOUSE

The Head office team thanks you for your reading.

Director: Hugo MOUDIKI JOMBWE, Communication Officer: Elodie HERISSON, Financial Manager: Alexandre CROIZERS de LACVMIER, Coordinator for Asia: Séverine LACROIX, Coordinator for Africa: Julie CATEAU, International Observatory for lawyers' coordinator : Charlotte BENOIT, ASF Network's coordinator: Anne LUTUN, Executive Assistant in charge of trainings : Emeline BARDON and Webmaster: Rémi BACQUE.