



# ACTIVITIES REPORT 2009



AVOCATS SANS FRONTIERES  
France

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

[www.avocatssansfrontieres-france.org](http://www.avocatssansfrontieres-france.org)



# Word from the President

Lawyers Without Borders France has the pleasure to present you the report of its 2009 activities.

They have been in constant development, in particular thanks to the achievement of new financing for our projects in Asia, in Cambodia then in Laos and in Africa, in Nigeria on *Fight Against Torture* and more recently *Against Death Sentence* with the support of the French Development Agency and the European Union.

Finally, the project of *Networking of the Lawyers Without Borders* currently existing, their strengthening and the development of the Movement was launched with the support of our colleagues of Clifford Chance.

With our projects *International Observatory for Lawyers* ("*Observatoire International des Avocats*") and *Networks of West and Central Africa* ("*Réseaux d'Afrique de l'Ouest et Centrale*"), it is a new horizon that we have opened, by connecting, strengthening and increasing the daily actors of the defence of the human rights that are the lawyers and all the practitioners of the law.

François CANTIER, Founding President  
of Lawyers Without Borders France



AVOCATS SANS FRONTIERES

France

*" Là où la défense n'a plus la parole "*

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**LAWYERS WITHOUT BORDERS FRANCE**

# THE ASSOCIATION

Bring to the weakest persons the protection of the law, by relying on the principles of:

- The presumption of innocence
- The right for all to be defended by a free and independent lawyer
- The right for all to a fair court-action



**AVOCATS SANS FRONTIERES**  
France

*"Là où la défense n'a plus la parole"*

ASF, organization of international solidarity, has for mandate to:

- **Contribute to the effective respect of human rights, universally recognized, by ensuring the defence of defendants and victims**
- **Work everywhere it is useful and needed to the institution or reinstatement of the Constitutional State**
- **Act against the impunity through the guarantee of fair court-actions**
- **Ensure the protection and defence of lawyers and advocates of human rights threatened by reason of their professional activity**
- **Promote the access to the law and justice for all the citizens**

<b>H</b>	<b>1992</b> Creation of LWB in Belgium
	<b>1998</b> Creation of LWB France
<b>I</b>	<b>2004</b> LWB France gets the consultative special status with the UN Economic and Social Council
<b>S</b>	<b>2005</b> LWB France gets the special Consultative Status with the International Organisation of the French Speaking communities
<b>T</b>	<b>2007</b> Creation of an urgency Funds for the defence by the GIE Avocat (National Council of the Bars, Bar of Paris and Conference of Presidents of the Bar)
<b>O</b>	<b>2008</b> LWB France celebrates its 10 years on the 25 October 2008
<b>R</b>	<b>2008</b> Launching of the International Observatory for Lawyers – <a href="http://www.observatoire-avocats.org">www.observatoire-avocats.org</a>
<b>Y</b>	<b>2009</b> Achievement of the support of Clifford Chance for the reinforcement and development of the LWB Network



## WOMEN AND MEN AT THE SERVICE OF A JUSTICE WITHOUT BORDERS

At today's date, more than 1000 persons took a membership to LWB France.

Each year, more than 100 among them bring voluntarily their support and knowledge to the association; thus representing around 20.000 working hours per year.

David Apelbaum, Catherine Ardonceau, Anna Barnett Blum, Evelyne Boileau Brandomir, Roger Bongoto, Zolika Bouabdallah, Alice Boullier de Branche, Sabah Boumesla, Julien Brun, Philippe Canonne, François Cantier, Marie Jose Cantier-Herrmann, Mechtilde Carlier, Sarah Casey, Bénédicte Chesnelong, Michelle Cumming, Allegra Currer, Laurence Debordeaux, Pierre-Frédéric Degon, Annie Delahaie, Laure Desforges, Emilie Devaucresson, Walter Dickinson, Ferdinand Djammen Nzepa, Nicole Dumas, Gérard Dupuy, Isabelle Durand, Marie-Dominique Flouzat Auba, Françoise Gautry, Martine Gauvreau, Léon Geledan, Philippe Gomis, Pierre Gromnicki, Loïc Guérin, Angela Guinaudie, Clémence Hérault-Delanoe, Martine Jacquin, Brahima Koné, Marianne Lagrue, Marie-Line Letousey, Charlotte Levy, David Levy, Sonia Iods, Daniel Losq, Catherine Mabilie, Sally-Anne Mc Mahon, Jacques Maisonneuve, Jean-Sébastien Mariez, Christine Martineau, Françoise Mathe, Valia Morgenbesser, Philippe Moriceau, Hugo Moudiki Jombwe, Nathalie Muller, Henri Nayral de Puybusque, Barnabé Nekui, Baidy Niane, Jean-Claude Nicod, Lionel Njeukam, Cécile Ostier, Haïba Ouassiss, Cécile Paillard, Ivan Paneff, Jean-Charles Papin, Eléonore Peiffer Devonec, Charlotte Perdrix, Elisabeth Petitjean, Alix Phiquepal d'Arusmont, Marie-Pierre Poulain, Elisabeth Rabesandratana, Tiana Rambatomanga, François Roger, Patricia Scott Jullien, Emilie Sevestre, Ghislaine Seze, Justine Souchay, Michèle Stern, Fabienne Trusses Naprous, Honore Yana,...



## Members of the Committee

President : François Cantier  
Treasurer : Fabienne Trusses-Naprous  
Secretary : Gérard Dupuy

## Members of the Board of Directors elected in October 2009

Roger Bongoto  
Philippe Canonne  
François Cantier  
Annie Delahaie  
Laure Desforges  
Ferdinand Djamen nzepa  
Nicole Dumas  
Gérard Dupuy  
Françoise Gautry  
Martine Jacquin  
Catherine Mabilie  
Jacques Maisonneuve  
Jean Sebastien Mariez  
Christine Martineau  
Françoise Mathe  
Philippe Moriceau  
Nathalie Muller  
Jean Claude Nicod  
Ivan Paneff  
Elisabeth Rabesandratana  
François Roger  
Ghislaine Seze  
Michèle Stern  
Fabienne Trusses-Naprous

## Headquarter team

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## Trainees

The association wants to thank the trainees who have worked with employees and volunteers of LWB France during the year 2009.

Delphine d'Allivy Kelly  
Fousseny Berthe  
Céline Caru  
Jasmine Crozier  
Sophie Desgranges  
Hombeline Dulière  
Laurentine Insonere  
Antoine Lombard  
Amanda Lebordais  
Chloé Maisonneuve  
Benoit Maraval  
Quentin Moutous  
Annabelle Pelmier  
Benjamin Priels  
Laetitia Rateau



Headquarter team in the office located 8 rue du Prieuré 31000 Toulouse, November 2009.

# FINANCIAL STATUS

## Analysis of the resources

Institutional sponsors, representing 84.14% of the operating income of the association, finance the actions of LWB France in their majority.

In this context, the main sponsor is the French state across its ministries, embassies and territorial collectivities with a percentage of participation of 47.89%.

In second rank are the international and private organisations such as the International Organization of the Francophonie, the French Bars and the foundations contributing at the level of 23.34% in the operating income of LWB France.

The European Community, through various mechanisms of call for tenders, financed the actions of the association for 12.91%.

The additional operating income came from donations, subscriptions and training services. The total of these three actions represents 15.86% of the resources of the association for 2009.

## Analysis of the expenses

During the accounting year 2009, the main axis of intervention of the association was Cambodia (33.83%) and Africa (22.27%).

**The actions carried out in Asia for 2009** are corresponding to the training delivered to the school of young Cambodia lawyers and the active participation to the court-action of the Khmers Rouge before the Extraordinary Chambers of Cambodia Courts.

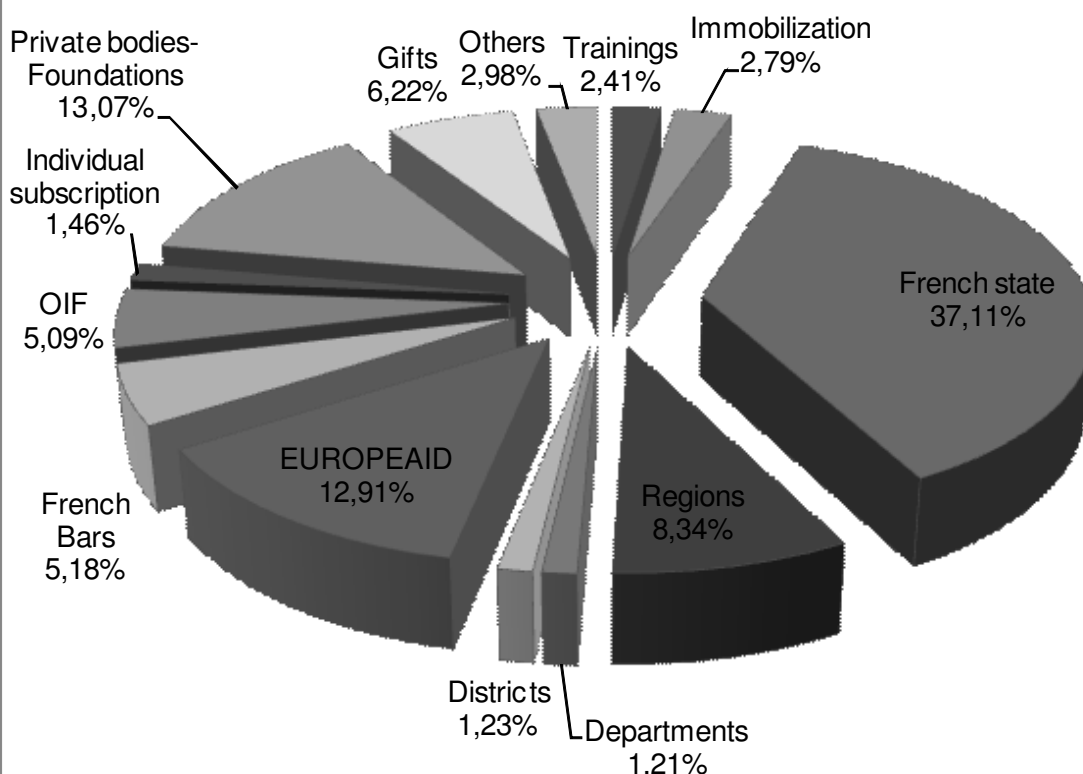
**The actions carried out in Africa for 2009** involved 3 projects:

1. The project of interregional training for trainers in human rights in Central Africa and West Africa, which represented 12.57% of the expenses.
2. The launching of the project of fight against torture in Nigeria, which started during the year and represented 10.46% of the expenses.
3. The project of Judicial Rounds in Mali, in partnership with LWB Mali representing 0.76% of the expenses.

A portion of the income has been devoted to the missions of the defence of lawyers threatened in the execution of their duties- via the International Observatory for Lawyers (1.95% of the expenses) and to the setting up of the Lawyers Without Borders Network with the various national LWB (10.46% of the expenses).

In 2009, the structural expenses represented 21.55% of operating costs of the association.

## Sponsors and financing 2009





# THE SUPPORTS

## Members

155 physical persons and 31 moral persons became members in 2009.

## Lawyer's organizations

Clifford Chance Paris (privileged partnership)  
Foundation Clifford Chance London  
Allen & Over Paris  
National Council of the Bars  
National Conference of the Bar members  
National Federation of the Unions of young attorneys  
Consulting attorneys in firms of "region Lorraine"  
GESICA

Bar of Agen  
Bar of Aix en Provence  
Bar of Albi  
Bar of Angers  
Bar of Aurillac  
Bar of Belfort  
Bar of Béthune  
Bar of Blois  
Bar of Bobigny  
Bar of Bordeaux

Bar of Bourg-en-Bresse  
Bar of Caen  
Bar of Chartres  
Bar of Clermont-Ferrand  
Bar of Dijon  
Bar of Epinal  
Bar of Essonne  
Bar of Foix  
Bar of Hauts de Seine  
Bar of Laval  
Bar of Lille  
Bar of Mans  
Bar of Marseille  
Bar of Meaux  
Bar of Montauban  
Bar of Nancy  
Bar of Poitiers  
Bar of Quimper  
Bar of Rennes  
Bar of Saint-Brieuc  
Bar of Strasbourg  
Bar of Toulouse  
Bar of Tours  
Bar of Valenciennes  
Bar of Versailles

## Institutional bodies

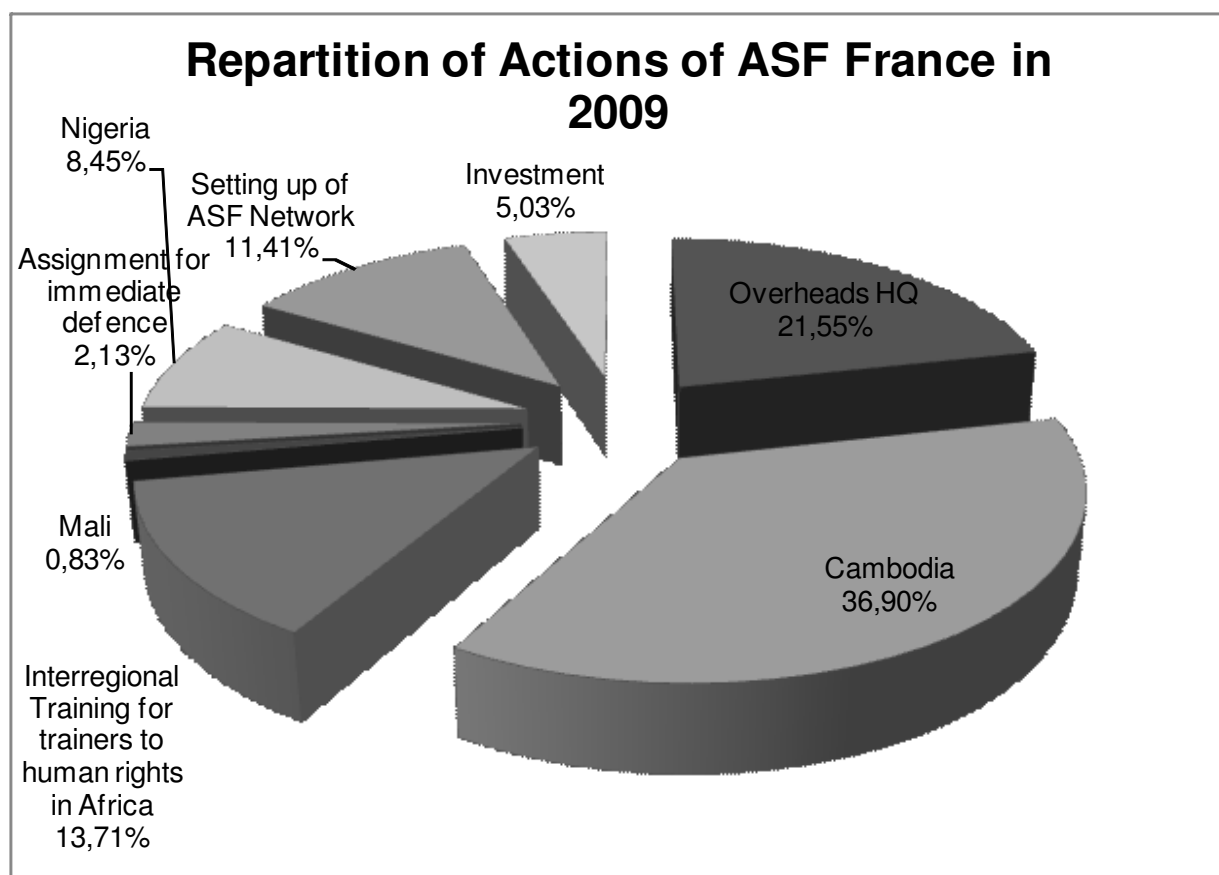
French Agency for the Development  
French Embassies (Nigeria and Cambodia)  
European Commission  
French Ministry of Foreign and European Affairs  
International organization of the Francophonie  
French Prime Minister

## Territorial authorities

Region of Midi-Pyrénées  
Region of Pays de la Loire  
Department of Haute-Garonne  
Department of Sarthe  
Commune of Toulouse  
Commune of Clermont-Ferrand  
Commune of Balma

## Professional organisms

Banque Populaire  
Fonds Interprofessionnel de Formations des Professionnels Libéraux (FIFPL)  
Microsoft France  
Uniformation





## THE PROJECTS LED IN 2009...

## ... IN NIGERIA

**The intervention, beside the lawyer Hauwa Ibrahim for the defence of Aminal Lawal, sentenced to death by stoning in 2003, marks the starting of the involvement of LWB France in Nigeria.**

Despite that the verdict of non-guilty was obtained, this court-action has shown the difficulties of the Nigerian justice.

Further the violation of the rights of the defence and the right to a fair court-action, sentence to death is still broadly pronounced, despite the moratorium imposed in 2004. The access to the right and justice is not secured for the majority of the population.

At the request of Nigerian lawyers, through institutional organizations such as the Legal Aid Council of Nigeria, the Office of Court of jurisdictional Aid and the Nigerian Bar Association, in partnership with LWB Canada, LWB France intervened through a project of "Promotion of the judicial international tools, of the Rules of a fair court-action and the rights of the defence".

The thoughts carried on and the lessons drawn during the execution of this first project, which took place between 2006 and 2008, have led to the formulation of two news projects:

- **Project of fight against the torture** (started in 2009)
- **Project of fight against the application of death sentence** (achievement of the financing end of 2009 ; launching of the activities in 2010).

### Objective of the project

To contribute to the reduction of acts of torture all along the judicial chain thanks to the mobilization of the judicial actors and to the awareness of the population.

### Description of the project

Project ProCat : Promotion and implementation of the Convention of the United Nations against torture ("Promotion et mise en oeuvre de la Convention des Nations Unies contre la torture") with the view of a full benefit for those to be tried and for the Nigerian Civil society. Although Nigeria ratified the CAT in 2001, numerous difficulties remain for its effective implementation, by reason of the inadequacies of the judicial system, which may be at the level of the policy investigation, of the services of court of jurisdictional aid, of the abuses of procedure or the acceptance by the court of laws of forced confessions as proof of evidence.

It results in a climate of impunity, in which the practice of torture or the use of ill treatment are commonly admitted, and even sometimes institutionalized.

Four targeted areas have been defined to lead successfully this project: the states of Kaduna, Kano, Lagos and the Plateau.

### Activities of the Project

#### A/ Jurisdictional support to persons victims of acts of torture or ill treatments at different level of the judicial procedure:

- Identification of cases (visits of detention centres)
- On duty system in the police stations
- Mechanism of alert
- Commitment of hierarchical or judicial recourse against the authors of acts of torture

#### B/ Training and awareness of the judicial players to the principles of the CAT

- Training sessions for the judicial players: one per year and per Country
- Round table gathering thirty judicial actors in each Country
- Distribution of a guide of good practices

#### C/ Information campaign towards the general public

- Awareness workshop with the community of actors in each targeted State.
- Public conference
- Public display campaign and distribution of flyers informing the population of its rights.



Training of Nigerian lawyers, on « Torture and Judicial instruments », November 2009

## In 2009...

The program, mainly financed by the European Community, covers a period that runs from March 2009 to February 2010.

### **The year 2009 has been the one of the setting up of this new project.**

A first mission of installation occurred in April 2009. Its objective was to meet with the partners, the sponsors, the local NGO, the judicial authorities of the four-targeted states.

In August, the annual conference of the Nigerian Bar Association took place with a specific session on the thematic of the torture, supported by LWB France and during which the project ProCAT has been presented to all judicial actors who were present. This allowed making know the project in a broad manner to all Nigerian judicial actors.

**The recruiting of the local team** was finalized during a mission in September whilst the position of Head of Mission was provided during the summer 2009.

**The launching of the activities of the local office** took place beginning of November, during a training mission of the team conducted by two French representatives.

During this mission, a training session on the thematic of torture and the protective judicial tools at international, national and regional levels have been organized for all the team (the two lawyers of Abuja office and the eight go-between lawyers) and for supporting persons who will have to collaborate to the setting up of the project (in particular some persons in charge of the Legal Aid Council of Nigeria and of the Nigeria Bar Association).

A mission of the installation of the local office, led by the Managing Director of LWB France, took place in December. It allowed the take over of the duty of the head of the mission and of the totality of the team of the Abuja office.

## In 2010...

### **PROJECT "PROCAT" – FIGHT AGAINST THE TORTURE PROCAT**

The first mission of the training of the judicial actors is forecast for March 2010 in the state of Kaduna. Training courses in the three other states will be made during the first half 2010. They will be followed by the organization of panels composed of around thirty judicial actors in each state. In parallel, visits of jails and identification and follow up of the case of prisoners victims of acts of torture will be intensified in 2010.

### **Project "SALI" – SAVE LIVES – REINFORCEMENT OF THE ROLE OF THE LAWYERS FOR THE ABOLITION OF THE DEATH SENTENCE.**

This project, financed by the European Commission, was obtained end 2009 and will start in 2010.

**Objective of the project:** Reinforcing the moratorium on the death sentence and promote the emergence of a new jurisprudence, on the rights of the persons risking the death sentence on the basis of international standards, on the right to a fair court-action and on the conditions of custody.

**Places of intervention:** The five jails (Big Five) in which the persons sentenced to death are prisoners and the 8 main states where the sentences to death are pronounced.

**Activities:** In each targeted state, awareness seminars and panels will be organized with the political, judicial actors and the organizations of the civil society. Continuous training courses on the thematic of the death sentence will be given to lawyers. Support missions to lawyers for emblematic cases will be made on regular basis.

A network of twenty lawyers will be put in place to provide free of charge judicial assistance to prisoners sentenced to death. Training in *advo-*

*cacy* and training of trainers will be given to these lawyers.

Campaigns of awareness will be organized for those persons sentenced to death.

### **Members of the team**

Ivan Paneff (project manager), David Apelbaum, Zolika Bouabdallah, Sabah Boumesla, Marielle Breuil, Julien Brun, Mechtilde Carlier, Pierre-Frédéric Degon, Emilie Devaucresson, Mélanie Etienne, Loic Guerin, Clémence Héraults-Delanoe, Christian Lahami, Aurélie Lubot, Catherine Mabile, Jean-Sébastien Mariez, Valia Morgenbesser, Lionel Njeukam, Mathieu Odet, Cécile Ostier, Haiba Ouassii, Eléonore Peiffer Devonoc, Charlotte Perdrix, Aurélie Pujo, Tiana Rambatomanga

### **Local office in Abuja :**

Hélène Caby, Rotkang Kyunni, Angela Uwandu, Zubairu Atta

### **Handover lawyers in the 4 States:**

Ganiyu Ajape, Remi Atunwa, Bolaji Gabari, Jim Gotom, Joane Gyang, Mustafa Ibrahim Iman, Joyce Oduah Aderemi Kehinde Osibona

### **Partners of the project**

#### **PROCAT :**

Clifford Chance, European Commission, Legal Aid Council of Nigeria and Nigerian Bar Association

C L I F F O R D  
C H A N C E



#### **SALI :**

European Commission, Constitutional Rights Project, Legal Aid Council of Nigeria, Nigerian Bar Association



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## ... IN FRENCH SPEAKING AFRICA

THE ACTION TAKES PLACE IN A GENERAL CONTEXT OF MASSIVE VIOLATIONS OF HUMAN RIGHTS WHOSE PRIMARY VICTIMS ARE WOMEN AND CHILDREN. THE LACK OF KNOWLEDGE OF THE HUMAN RIGHTS BY THE POPULATIONS AND THE VULNERABILITY IN WHICH THEIR DEFENDANTS FIND THEMSELVES REPRESENT A MAIN OBSTACLE TO THE DEVELOPMENT OF THE CULTURE OF HUMAN RIGHTS.

**The project is aimed to strengthen in a significant manner the capacities of the defendants of human rights and to ensure a better defence of the citizens through a solidarity network and a more systematic recourse to all the international tools and processes for the protection of human rights so that to promote a broad diffusion of the principles, values and tools allowing the reinforcing of the Constitutional State, democracy and peace.**

LWB France conceives the training as a privileged tool for the strengthening and an increase of autonomy of the local actors. A significant number of lawyers coming from Africa participated since the first training sessions on the International Judicial Tools (IJT) protecting human rights organized in France.

**The wish of LWB France has always been to have the possibility to organize these training locally in Africa for a broader access and particularly, thanks to a multiplying factor from breeding ground of trainers.**

So, the setting of an interregional project appeared to be the best solution for:

- Satisfying the needs for the strengthening of the capacity of local actors.

- Developing more efficient relationship-networks between the judicial actors of a same area.
- Allowing all the local players involved to use in the best way these tools and procedures.
- Generating a multiplying effects to improve the autonomy of local actors.

### Objectives of the project

To put in place a double degree cursus of training for trainers to the International Judicial Tools (IJT) protecting Human Rights and to the International Criminal Court (ICC), one in Central Africa and the other one in West Africa

Central Africa : Burundi, Cameroun, Congo Brazzaville, Gabon, Democratic Republic of Congo, Central African Republic, Rwanda, Chad.

West Africa : Benin, Burkina Faso, Côte d'Ivoire, Guinea, Mali, Mauritania, Niger, Senegal, Togo

A/ To form lawyers and defendants of human rights to the use of the IJT and to the procedure of the CPI. It is question to prepare to:

- Identify the interest and applicability of each tool in in-house and external law

- Control the procedures of submission of court of laws
- Intervene beyond the ICC

**B/ Constitute a group of persons able to at turn dispense training in their respective countries.**

**C/ Facilitate the setting up of a regional network of lawyers trainers and defendants of human rights**

### Activities of the project

The proposed training is in 4 steps:

**Step 1 - Training of trainers to educational methods:** Conceive and drive actions of efficient training courses that are adapted to the targeted groups.

**Step 2 - Training of trainers to the juridical technique:** Control the use of the IJT protecting human rights and the procedures of ICC.

**Step 3 - Strengthening of educational methods:** Reinforce its competencies in liveliness methods, control the work in network and in a multicultural environment.

**Step 4 - consequence and evaluation:** Two sessions of training given by the trainees-trainers accompanied by the trainers of LWB France. A session of regrouping and appraisal that will take place at the follow up the last accompanied session.



Lawyers in Central Africa during the interregional training on Human Rights, Brazzaville, October 2009



## In 2009...

**Fulfilment of step 3 in West Africa: in April 2009, 16 attendees went to Saly, Senegal, to follow the module “strengthening of pedagogic methods”.**

This training was run by the Council for educational engineering of LWB France, together with a lawyer-trainer specialist in international judicial tools.

The session was an opportunity to take up again the notions brought in steps 1 and 2 of the training and to test them thanks to practical exercises. Working in two, the trainees presented the exercises on which they worked between steps 2 and 3.

This session was also the opportunity to prepare the 4th and last step of the degree course. The group has been divided in two sub-groups, each of them having to prepare training on a different thematic for a target audience and which will have to be realized during the last step.

The group showed its interest to reinforce the links for developing a network of defendants of human rights. A platform of work on Internet has been put in place allowing communicating information, to post working documents etc... This platform allows an easier contact between the members of the network. During the following months after April training session, numerous documents and releases have been spread thanks to this tool, particularly on the situation in Guinea.



**Realization of step 1 in Central Africa: in September 2009, 24 attendees were in Brazzaville, Congo, to follow a module “Training course of trainers to educational methods”.**

The session has been run by two trainers of LWB under the supervision of the Council for educational engineering. This training for trainers is articulated around 5 questions:

- How to define the need of competence for the persons to be trained?
- What is the role of the trainer in a process of development of competences?
- How to build this programme?
- How to manage a group of adults?
- How to have the tools to evaluate the efficiency of his action?

From this first step of training, the group of defendants of Human Rights have been constituted. A full day has been devoted to the strengthening of the members of the group.

During the training, the responsible person from LWB France in charge of Africa presented the area of collaboration of the virtual work, tool already put in place in the framework of the group of West Africa. From the end of the training, this area was used by a majority of trainees who were present.

## In 2010...

**For West Africa :**

- 4<sup>th</sup> step of training - 1<sup>st</sup> part on the “putting into situation” in April 2010 at Ouagadougou, Burkina Faso.
- 4<sup>th</sup> step of training - 2<sup>nd</sup> part on the “putting in situation and conclusion” in September 2010 in Togo.

**For Central Africa:**

Step 2 of the training – “the International Judicial Tools” in January 2010 in Yaoundé, Cameroon.

Step 3 of the training - “Strengthening of the educational mechanisms” in September (place to be defined).

### Members of the team

Marielle Breuil, Marie-José Cantier-Herrmann, Seydou Doumbia, Hugo Moudiki Jombwe, Françoise Mathe, Philippe Moriceau, Claude-Joël Paka et Honoré Yana.

### Partners of the project

French Agency of Development, International Organisation of la Francophonie and Region of Midi-Pyrénées.



## ... IN MALI

« Judicial tours in Mali: Access to the law and justice for the most vulnerable populations. Targeted cities: Koulikoro, Segou and Sikasso »

### The project

The functioning of the judicial system of Mali encounter a certain number of difficulties which can result on:

- The absence of access to a lawyer for persons who are jailed, in particular for the most underprivileged or the weakest such as minors or women
- The arbitrary or remanded in custody or false imprisonment

**Moreover, the most important part of persons subject to court-action is unaware of its rights and the means to assert them.**

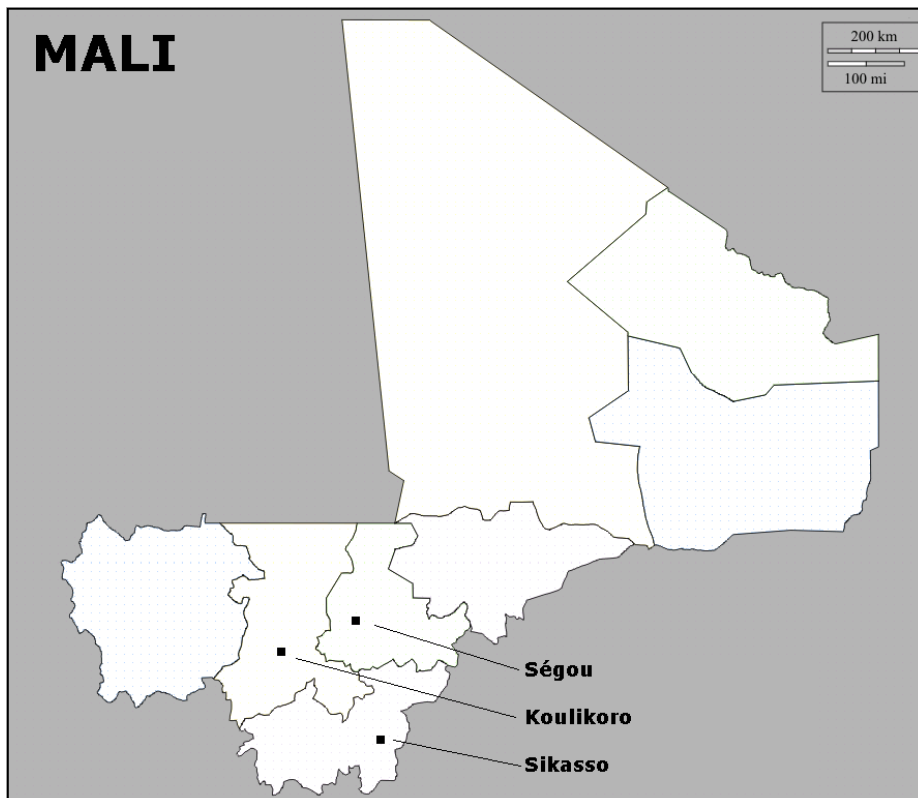
Mali has less than 275 lawyers, the majority of them working in the Capital (14 millions people).

Currently, no effective system of judicial aid exists. Therefore, the unprivileged population in province cannot have access to a lawyer ensuring their defence or to give them a judicial advice.

It is why the project is proposing to ensure a service of court of jurisdictional aid and activities of awareness on the access to the justice and the respect of the rights of the persons.



## MALI



### Intervention places

- Koulikoro
- Segou
- Sikasso

### Objective

Contribute to the access of the right and the justice for prisoners and the populations thanks to the free of charge presence of lawyers in the cities of Koulikoro, Segou and Sikasso.

### Activities

It is question to inform the prisoners and more broadly the whole persons who are subject to court-action on what are their rights and duties. For this, awareness actions to the respect of human rights are set up in direction of not only the persons subject to court-action but also to the players of judicial life (lawyers, judges, policemen and penitentiary personnel).

This mechanism aims to contribute the strengthening of free of charge legal aid guaranteeing to all the access to the law and justice and the respect of fundamental rights.

## In 2009...

This project started in 2008, date of the setting up of the first "judicial tour in Mali". The second tour took place in 2009:

**From the 15 to the 19 June in Segou**

**From the 22 to the 26 June in Sikasso**

**From the 29 June to the 3 July in Koulikoro**

The organization of the activity in these 4 places took place in four phases:

1. Legal consultations free of charge only for prisoners of the local jail.
2. Defence speech to the First Instance Court in the interest of the plaintiffs (among them were the prisoners visited the previous day and who appeared in court that day) and the civil parties.
3. Free of charge legal consultations for the public.
4. Training for the legal players on the criminal law procedure and on the human rights.

The free of charge judicial consultations put in evidence the same abuses than for the first judicial tour in October and November 2008:

- Police custody and detention “on remand” going on beyond the legal period;
- Detention of minors: the delivery of an extract of birth act by the town hall is enough to confirm their statements that they are minors.
- Detention of accused for which the description they make on the charges against them reveals their civil and not criminal nature.

The training intended to the judicial actors on the thematic “Criminal law procedure and Human Rights” went particularly well. At the end of the training session, participants were able to exchange on:

- The problems appearing during the criminal law procedure and involving the different judicial players.
- The corrective actions to put in place together.

The discussions and getting into situation will have allow the participants to elaborate a “Chart of the Good Practices” that everyone committed to respect.

## In 2010...

**To finalize this first step of the project** “Judicial tours in Mali access to the law and justice for the unprivileged population”, two actions are going to be realized:

- 1/ Distribution of the “Chart of the Good Practices” realized in 2009.
- 2/ Distribution of a Guide on Criminal Procedure and Human Rights.

Following this successful pilot project of the judicial tours in the area of Koulikoro, Segou, and Sikasso, LWB Mali, LWB France and the various parties implied are thinking to elaborate a programme on a period of three to five years aiming to more broadly contribute to the strengthening of the Constitutional State in

Mali.

The envisaged themes are in continuity with the judicial tours, free judicial assistance activities, training of judicial actors or awareness of the population.

### Members of the team

Jean-Claude Nicod (Project manager)  
Catherine Ardonceau  
Marielle Breuil  
Baïdy Niane  
Elisabeth Petit Jean  
And the lawyers member of LWB Mali, with the President Hamadi Karambé.

### Partners of the project

European Union - project Ariane,  
Bar of Bordeaux, Bar of Marseille



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## ... IN CAMBODIA

**Two decades of civil war deprived Cambodia of an entire generation of the members of its liberal professions.**

1993 is the beginning of the transition and rebirth of the primacy of the law with the running of elections under the aegis of the United Nations in July and the adoption of a new Constitution in September. From this date, the judicial context did not cease to evolve. In 1995, the Association of the Bar of the Kingdom of Cambodia was born (ABKC). It was composed of 25 lawyers, most of them came back from exile following the 1993 elections. Today, around 400 lawyers registered to it.

The Royal Academy of the Judicial Professions gathers the different training to the jobs of Justice: Royal School of Magistracy, School of Clerks, Notarial School, Training School of Police and Centre of Professional Training of Lawyers (CPTL). The judicial system is in full evolution since the reform launched by the government in June 2003. In 2007, a new Code of Criminal Law procedure has been adopted which falls within the scope of the judicial tradition Romano Germanic and borrows a significant number of its disposals to the French law.

**The judicial actuality of Cambodia in 2009 was marked by the adoption in October of a new Criminal Law Code and on 17 February, by the beginning of the period of court-action of the first proceedings to the Extraordinary Chambers of Cambodia Courts (ECCC) in charge of judging the responsible of the crimes committed under the Khmer Rouge regime.**

### **The action of LWB France in Cambodia:**

LWB France and the Bar of Cambodia participate to common conferences and workshops since 1998.

It is since 2005 that LWB France participates to the reinstatement of the Constitutional State by the strengthening of the legal profession and the judicial aid for the populations of the province.

Since, LWB France made some interventions to other judicial actors such as magistrates but also legal counsels. Lastly, a group of lawyers of LWB France ensured the defence of a group of civil parties to the ECCC, beside Cambodian and international fellow members.

### **1. Strengthening of the capacities of the local actors: training of Cambodian lawyers on the subject of Human Rights and the Rights of the Defence.**

At the request of the Association of the Bar of the Kingdom of Cambodia, LWB France intervenes besides Cambodian lawyers to strengthen the profession. A first training project has been put in place in 2005 for student lawyers of the Professional Centre of Training of Lawyers. In 2009, this project has been renewed for an additional three years.

### **Objectives**

- 1/ Participate to the development of CFPA by bringing a methodological expertise allowing it to dispose of local trainers of quality.
- 2/ Strengthen the continuing and initial training of lawyers in the domain of the rights of the defence and the international tools protecting the Human Rights.
- 3/ Spread the fundamental principles of the right to a fair court-action thanks to the training of the trainers.

### **Activities**

This project foresees to deliver training to student lawyers of CFPA on the theme of "the Lawyer Role" and "the use in in-house law of the international tools protecting Human Rights" to three classes of students.

To perpetuate this project, Cambodian jurists and lawyers are beforehand trained to the pedagogic methods. They are then associated to the training delivered to student's lawyers as co-trainers to the trainers of LWB France.

Two sessions of training are performed per year through workshops leading to a direct participation of the trainees who then are able, thanks to study of practical cases and simulations, to realize and integrate the modality of their action to effectively ensure the respect of the Rights of the Defence and of the fundamental principles of the Human Rights.

### **... in 2009**

**Two training sessions for students- lawyers were realized:**

- In July, there was a training of trainers for 6 Cambodian co-trainers, followed by training on the practice of the criminal law procedure.
- In November, a second session of trainers took place, which was delivered to a group of 6 Cambodian jurists. It was followed by training for the 2009 new class of CPFA, composed by 40 students lawyers on the theme of "the Role of the lawyer".

### **Awareness chapter:**

*This action falls within the scope of the continuity of the awareness activities for the project of legal assistance that allowed to aware more than 650 childrens in the Cambodian orphanages and is led in partnership with the ASPECA and the Human Rights School.*



*It is question to encourage the access to the justice by informing the population on the role of the lawyer. An awareness mission has been realized in July in six orphanages of the provinces of Svay Rieng, Prey Veng, Kompong Cham and Phnom Penh.*

### ... In 2010

Two sessions of training are planned for 2010. The first one on the "Role of the lawyer " and the second on "the use in of the international conventions, in in-house law, protecting the Human Rights".

### Partners of the project

Embassy of France in Cambodia, The Bar Association of the Kingdom of Cambodia, Bar of Nantes, Centre of Professional Training of Cambodian Lawyers, Minister of Foreign and European Affairs, Region of Pays de la Loire.

## 2. Strengthening of the capacities of the local actors: training of Cambodian judges on Human Rights and fair court-action.

The Royal School of Magistrature asked LWB France to deliver training to the class of students-judges. A partnership convention has been signed with the Royal Academy for Judicial Professions of Cambodia (RAJP) for a three-year project starting September 2009.

### Objectives

- 1/ Participate to the development of the Royal School of Magistrature and through it, of the RAJP by intervening through a methodological expertise and by allowing disposing of local trainers.
- 2/ Strengthening the training of the judges on the basic texts protecting the Human Rights, the basic principle of the right to a fair court-action and the new Code of Criminal Law procedure.
- 3/ Spread the basic principles of the right to a fair court-action thanks to the training of the trainees.

### Activities

#### • Training of trainers:

It is question to train jurists and/or Cambodian judges experienced in the pedagogic for adults who will be able to lead the training of judges of the RAJP.

- Training intended to the students of the Royal School of Magistrature of Cambodia:

The aim being to deliver to the judges the means to integrate and apply the basic rules of the course of a fair court-action and of the respect of the human rights through the application of the Code of Criminal Law procedure and the international texts protecting the human rights ratified by Cambodia.

The theoretical part is used for feeding the thought and exchanges through the study, in each group, of the basic rules the international texts protecting the human rights and of the Code of Criminal Law procedure and is aimed to propose to the participants to support their thoughts on the modality of their use in the Cambodian context.

The practical part is realized through workshops leading to a direct participation of trainees integrating with cases studies and simulations, the modalities of their actions for ensuring the respect of the human rights and the guarantee of a fair court-action.

### ... In 2009

A training session delivered to 60 students of the Royal School of Magistrature of Cambodia took place in December 2009 on subject of the New Code of Criminal Law Procedure. Last day of the mission was dedicated to a conference on the subject of International Criminal Law and the functioning of the Extraordinary Chambers created inside the Cambodian Courts.

### ... In 2010

A training session is planned for the new year of students-judges of the Royal School of Magistrature.

### Partners in the project

Royal Academy for Judicial Professions of Cambodia, Royal School of Judges and Prosecutors.



Group of student lawyers trained by LWB France, December 2009.

# ... IN CAMBODIA

## 3. Intervention in Master of International Law of the French Cooperation Pole of the University of Law of Cambodia

The French Cooperation Pole of the University of Law of Cambodia, within the Royal University of Law and Economic Sciences of Phnom Penh, asked LWB to deliver to students in master a training in international criminal law.

### ... In 2009

This training, delivered to 25 students, was focused on international conventions ratified by Cambodia and international criminal court of laws. Particular attention was brought on the presentation of the Extraordinary Chambers created inside the Cambodian Courts.

### The partners of the project

The French Cooperation Pole of the University of Law of Cambodia, within the Royal University of Law and Economic Sciences of Phnom Penh.

## 4. Programme of free of charge legal assistance for the most unprivileged population in the totality of the Cambodian territory

The majority of Cambodian lawyers are set up in Phnom Penh and their services are too expensive for the majority of the population. From 2006, LWB France has put in place a project of court of jurisdictional aid, through the creation of legal assistance offices, free of charge, operated by Cambodian lawyers in all the court of laws of Cambodia.

The presence of at least one lawyer in each province of the country resulted in a regular follow up and a permanent training. This programme, started in 2006 and ended up in January 2009.

## Activities

### • Setting up of lawyers in the 20 provinces of Cambodia

### • Training of these lawyers :

In order to reinforce the legal knowledge and practices, LWB France has put in place an additional system for the lawyers of the programme, as well to the various actors of the legal system on determined themes according to the needs.

### • Awareness of the population to the law and justice :

In parallel of this action, it appeared to be necessary to inform the population of the free of charge legal system, and on the functioning of the Justice of Cambodian Courts.

## Results of the project

**Since 2006, 25 Cambodian lawyers have been recruited to participate to the project and 5211 cases have been handled.**

A lawyer, paid on a sessional basis, is on a duty free of charge each week. Each lawyer can then advise and defend free of charge for civil and criminal actions alike.

LWB France takes care of the effective attendance of the lawyer, of the respect of his commitment and of the good delivery of the information towards the population.

With the view to secure the quality of the speeches of the lawyers involved in the project, several training sessions were performed. Subjects of training presented by LWB are fixed by the needs of the lawyers.

An awareness action was performed to the population to inform it of the attendance of a free of charge lawyer in their province. This action was made to 650 children of orphanages of Kompong Tong, Sihanoukville, Kompong Speu, Takeu, Kampot, Kep Kompong Ghnang, Pursat, Bat-

### ... In 2009

After 3 years of implementation of the action, the intervention of LWB France has been closed by a symposium gathering all Cambodian judicial actors: the lawyers of the legal aid programme, the judges, the Presidents of provincial court of laws, the representatives of local authorities and of the international cooperation.

This symposium, made in Phnom Penh, was focused on the subject of "the difficulties of implementation of criminal law procedure", "the internationalization of the criminal justice" and "the Procedure of the ECCC".

### ... In 2010

A new project of legal aid will be implemented from January and for a duration of two years. This project should reinforce the lawyer's office already existing in province and to install new one in the provinces where the population has a limited access to a lawyer.

The objective of this project is to perpetuate the action of court of jurisdictional aid in all the provinces of Cambodia. It is supported by the French Agency for the development.

### Partners of the project

Embassy of France in Cambodia, The Bar Association of the Kingdom of Cambodia, Bar of Nantes, Centre of Professional Training in Cambodia, Minister of Foreign and European Affairs, Region of Pays de la Loire and European Union.



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## 5. Defence of a group of civil parties to Extraordinary Chambers created in the Court of Cambodia (ECCC).

The ECCC, Special Court created by the Cambodian government and the UN to judge the main responsible of the crimes perpetrated under the regime of the Khmer Rouge between 1975 and 1979, came into function in 2007.

The instruction, started in July 2007, involves three former persons responsible, charged of Crimes of War and Crime against Humanity. The first court-action involves Kaing Guek Eav, alias Duch, former director of the detention centre and torture S21, accused to have tortured and perpetrated the death of more 12 000 persons.

The specificity of this court lies in its internal regulation that allows the possibility for the victims to be associated in court action with the public prosecutor and therefore to directly participate to all the steps of the procedure. But, no budget was forecast for the defence of the civil parties. It is in this context that the team of LWB France intervened since May 2008 besides some Cambodian NGO and the Unity of the Victims of the Court. And, since February 2009, date of the opening of the court-action, it ensures the defence of the civil parties, besides Cambodian and international lawyers.

### Objectives

The objective of this project is to ensure the defence of civil parties by voluntary lawyers of LWB France besides Cambodian lawyers; to allow them to fully benefit of their statute of victim of the Khmer Rouge regime and to contribute to the reinstatement of Constitutional State in Cambodia, by participating to the success of the mission of the ECCC. Since May 2008, LWB France set up a supporting Office for the defence of civil parties. A team of 2 Cambodian lawyers and 2 jurists have been set up, working in close cooperation with around 20 French voluntary lawyers. The defence of civil parties is then ensured by mixed teams composed of Cambodian and international lawyers and jurists.

### ... In 2009

During 2009, number of meetings has been organized at the initiative of the Unity of Victims, gathering the four groups of lawyers ensuring the defence of the civil parties as well as the civil parties themselves.

Since the beginning of the project, the French lawyers take turn in Phnom Penh to participate to the Court-action besides the Cambodian colleagues. Most of these lawyers took the oath and are now habilitated to plead with the Cambodian lawyers to the ECCC.

The judgment phase of this first court-action started on 17 February. The team of LWB France ensures the defence of 26 on 91 civil parties, besides other group of lawyers (preparation of the witnesses, attendance of the audience, interrogatories and counter interrogatories, preparations of the conclusions and pleadings).

Pleadings took place in November. Three lawyers of LWB France group participated the final pleadings to the ECCC. Verdict is waited for beginning 2010.

In parallel, the team works on the preparation of the files of the victims who wish to be associated in court action with the public prosecutor for the second court-action. This work is made in cooperation with local NGO.

### ... In 2010

The support project to the defence of civil parties to the ECCC is renewed for a period of 18 months since January 2010 with the support of the French Agency for the Development.

### The partners of the project

Bar Association of the Kingdom of Cambodia, General Council of Sarthe, Minister of Foreign and European Affairs



### The members of the team

Martine Jacquin (project manager), François Cantier, Marie José Cantier-Herrmann, Evelyne Boileau Brandomir, Philippe Canonne, Annie Delahaie, Laure Desforges, Ferdinand Djammen Nzepa, Nicole Dumas, Isabelle Durand, Marie-Dominique Flouzat Auba, Françoise Gautry, Menghky Kim, Marianne Lagrue, Daniel Losq, Christine Martineau, Sovannary Moch, Henri Nayral de Puybusque, Barnabé Nekui, Alix Phiquepal, Elisabeth Rabesandratana, Ghislaine Seze, Fabienne Trusses, François Roger



Lawyers of LWB France pleading in front of the ECCC, November 2009

# DEVELOPMENT OF ASF NETWORK

It is in the framework of the International Conference of the Bars of common judicial tradition ("Conference Internationale des Barreaux de Tradition Juridique Commune") (CIB) and under the impulse of the Member of the Bar Mario Stasi and the Member of the Bar Titinga Pacéré that LWB was born after that a resolution has decided of its setting up during a congress held in Yaoundé in December 1991. It was then decided that LWB would have its headquarter in Brussels.

**This was the first organization "Lawyers Without Borders", effectively set up in Belgium in February 1992, under the name of Lawyers Without Borders Belgium.**

The first large scale operation led by LWB was "Justice for All in Rwanda"; conceived following the genocide of the Tutsi in 1994 in Rwanda and implemented at the end of 1996, it consisted to organize the defence, firstly by foreign lawyers and later with the participation of Rwandese lawyers, of defendants and victims of the genocide to the Rwandese court of laws. This experience, founder for the Movement, was also a big first in the history of the justice and its success was unanimously greeted.



Launching of the LWB network in Paris, 6 and 7 November 2009

## The project

Following the setting up of Lawyers Without Borders Belgium and, from 1998, LWB was developed on international plan with the birth of national associations bringing the same name in Denmark, France, Mali, Mauritania, Sweden or Switzerland. Later, the Network continued its development in Brazil, Cameroon, Canada and Guinea. As of today, the various national elements of this network have been asserted on the ground of the international solidarity through initiatives led in the area of the law and justice.

**The degree of fame of LWB Belgium requires today that its various elements coordinate themselves in their actions strengthen mutually and allow the development of the movement at the international level.**

This project of development and strengthening has been possible thanks to the three years support of the Clifford Chance Foundation.

The results expected:

- **Build up of a shared view, through the elaboration of a common chart**
- **The sharing of tools and experience for a better development of LWB**
- **A better coordination of the interventions and development of joint activities where necessary**
- **A better presence of the network at international level and particularly in the domain of cooperation for development**
- **The development of the network, especially in the areas where LWB associations are not well represented and the needs to access to the law and justice are significant.**

## In 2009...

The activities of the project started in April 2009:

- The first action was related to the regain of contacts with the existing LWB organizations and the presentation of the strengthening proposal and the development of the Network LWB.

LWB France, originator of this project, was then able to meet with the ASF associations of Belgium, Cameroon, Canada, Italia, Holland, Mali and Mauritania. Following these meetings, number of suggestions on the way to manage this project has been registered. All then agreed to organize a workshop gathering all LWB.

- On the 6<sup>th</sup> and 7<sup>th</sup> November 2009, the LWB Organizations met in Paris for the launching of the Network "Lawyers Without Borders".

The objective of this meeting was to define together some priority axis of working so that to elaborate an action plan for the Network. The following associations were part of it: LWB Brazil, LWB Cameroon, LWB France, LWB Guinea, LWB Italia, LWB Mauritania, LWB Sweden and LWB Switzerland.

An operational plan in 5 phases has been adopted by the LWB who attended and working group have been set up to ensure the concretisation of each defined axis of work. These 5 commissions are articulated and organized around the following matters:

- Communication and Visibility of the LWB Network
- Solidarity and Cooperation between the LWB
- Elaboration of a common Chart
- Actions of urgent defence in favour of the lawyers and citizens in sensitive cases
- Organization of meetings between the LWB and coordination of the work in network.

## In 2010...

Are contemplated for 2010:

- The organization of an international conference on ethic of international solidarity in the legal and judicial field.
- The venue of a second working meeting of the national organizations of LWB
- Elaboration and adoption of a common Chart applicable to the LWB Network
- Representation of the LWB Network, particularly by ensuring the attendance of its members in the important events on law and justice
- The implementation of urgent interventions for the defence of threatened citizens and their lawyers
- The creation of different common communication tools, one being a web site for the LWB Network.

## The LWB in the world

### **Lawyers Without Borders Belgium**

Hafida Talhaoui, President  
Francesca Boniotti, Director

### **Lawyers Without Borders Brazil**

Jean Carbonera, President  
Daniela Felix, Vice-President

### **Lawyers Without Borders Canada**

Miguel Baz, President  
Pascal Paradis, Director

### **Lawyers Without Borders France**

François Cantier, President  
Catherine Mabilie, Vice-President  
Hugo Jombwe, Director  
Ivan Paneff, member of LWB France board directors  
Anne Lutun, Coordinator of the project

### **Lawyers Without Borders Guinea**

Kpana Emmanuel Bamba, President  
Mohamed Lamine Sow, Vice-president

### **Lawyers Without Borders Italy**

Paolo Iorio, President

### **Lawyers Without Borders Mali**

Hamadi Karembe, President  
M Lamine Traore, Secretary

### **Lawyers Without Borders Mauritania**

Saidou Ly, President

### **Lawyers Without Borders Holland**

Hein Karskens, President  
Hans Gaasbeek, Vice-président

### **Lawyers Without Borders Sweden**

Claës Forsberge, President  
Rolf Larsson, ancien president

### **Lawyers Without Borders Switzerland**

Shahram Dini, President  
Saskia Ditisheim, member of LWB Suisse

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Website :  
[www.observatoire-avocats.org](http://www.observatoire-avocats.org)

## In 2009...

### Pakistan

Every day lawyers are threatened, jailed, tortured, murdered or victims of forced disappearance by reason of their commitment in favour of Human Rights.

### The Observatory

Since its creation in 1998, LWB France has been engaged besides lawyers who were threatened in their working life by reason of the causes they defend. During a long period of time, this commitment was made by poor means. Within the framework of the project "Lawyers serving lawyers" linking with other partners (Consiglio Nazionale Firenze, Consejo General de la Abogacia Española, Conseil National des Barreaux et Barreau de Paris) LWB France had the possibility to structure these actions with the creation of the **International Observatory for Lawyers (IOL)**.

The action of IOL contains several specificities compared to other existing mechanisms:

- Specificity due to the targeted persons. The proposed protection by IOL is exclusively addressed to lawyers. It is intended for a professional body for which independency is a guarantee of effectiveness of Constitutional law.
- Specificity due to the type of assistance and actions performed. It offers a material and moral assistance but also a legal and judicial assistance that lawyers-members will make themselves by being on the field.

### What are the activities of the Observatory?

The Observatory is a mechanism of protection and defence for lawyers involved in the defence of the human rights who would be threatened in the exercise of their activity. It is composed of lawyers providing assistance to their colleagues : framework of solidarity inside the profession of lawyer.

### Actions tools

**A/ Inventory of the cases:** either by doing a watch of the situation of the profession of lawyer; either by being submitted by lawyers, their family, organisations of defence of human rights, professional organisations of lawyers etc...

**B/ Action from distance:** moral support through regular contacts with the lawyer or his family; sending of alerts explaining the situation addressed to the national and international authorities; support letters for various procedures.

**C/ Actions on the field:** sending of missions of lawyers from the Observatory in the country where the lawyer is in difficulty. It is question here to meet with him, possibly to assist him during a criminal law court-action or even assist his family if he has been murdered and to meet with the concerned authorities to try to solve the situation.

The idea of going on the field is important as very often these lawyers or their family are totally isolated, as none of their colleagues want to be involved by fear of reprisals.

**The Observatory is then present to support the lawyer in difficulty and as well a local lawyer who could ensure his defence.**

The IOL has for objective:

- To make, through the world, an inventory of lawyers victims of threats, pressure, torture, disappearance and other invasion to moral and physical integrity.
- To bring to these lawyers a material and moral assistance but also a legal and judicial assistance.



Anis Saadi is lawyer. He has been threatened and subject to intimidation acts in his country by reason of the sensitive causes he defended.

The Observatory has been submitted directly by Anis Saadi and organisations of defence of Human Rights. Following the investigation of his case, various mechanisms of support of IOL have been deployed: alert of Pakistanis authorities, of international organizations and of diplomatic representations based in Pakistan. The lawyer Mr. Saadi had to leave Pakistan and to take refuge in the United Kingdom. The situation of his family, who stayed in Pakistan, is worrying; his wife and his two young children still receive threats to push him to come back in his country. The IOL brought his support to the lawyer Mr. Saadi from his exile and continue to monitor his situation and the one of his family.

### In Syria



**Lawyer Mr. Mohammad Al Hasani** has been struck off the Bar of Damas in November 2009. He is in jail since July 2009 waiting for his criminal law court-action.

He is accused to have set up organization of Human Rights Defence without having obtained in advance the authorization of the President of the Bar, to have participated to the audiences of the Supreme Court of State Security in the framework of his observation work on the respect of international norms relating to fair

court-action without previous authorization and to have said offensive remarks that have harmed to the image of the State.

The Observatory is engaged in this case, with other organizations already involved. The mechanism of alert has been triggered to draw the attention of the national authorities on the situation of Lawyer Mr. Al Hassani and it has been pursued to react to the decision of striking off the Bar of Damas. The Observatory continues to follow carefully the evolution of the situation and is ready to send a mission of defence for the court-action to the Syrian justice.

## Vietnam

Two lawyers, members of LWB France and of the group of intervention of the IOL went in Vietnam in November 2009 to realize the first mission on the ground of the Observatory.

**The mission has been led in favour of three Vietnamese lawyers held prisoners by reason of the activity in favour of the defence of Human Rights: Lawyers Mr. Le Cong Dinh, Mr. Le Thi Cong Nhan and Mr. Nguyen Van Dai.**



This mission was led in cooperation with the "Union Internationale des Avocats" and Reporters Without Borders. It appeared that the profession of lawyer involved in the domain of Human Rights was particularly vulnerable in Vietnam and the support of the IOL was essential. The mechanism of alert has been triggered since and the IOL considers being besides the defence of these lawyers by sending a new mission in the next months.

## China

**The OIA has been submitted by**

**various sources on the cases of several Chinese lawyers of whom the licence was suspended.**

The instruction of these cases and the contacts with these lawyers led the IOL to launch the mechanism of alert in direction of the concerned Chinese authorities, of the profession in China and abroad, of the organisations of defence of the Human Rights and of the institutions of co-operation with China. These actions aim at obtaining the restoring of the right to exercise for these lawyers. The IOL thinks to send a mission for this purpose beginning of 2010.

## Colombia

**In August 2009, the IOL has been submitted by lawyer Mr. Garcia Fernandez asking for an action of protection by reason of the threats he received.**

In the context of the law "Peace and Justice", lawyer Mr. Garcia provided legal advises to a group of paramilitaries and represented their chief to the courts. He received several anonymous phone calls informing him of the significant risks he incurred by defending paramilitaries. He has been followed several times by persons threatening him verbally and with a gun. Following this submission, one of the lawyer member of the Observatory, wrote in September 2009 to the Public Prosecutor to inform him of the threatens received by lawyer Mr. Garcia Fernandez.

Few days later, the Prosecutor answered that it was necessary to make an examination of the situation to identify the factors of threatens and of risks incurred by the lawyers involved in the context of the law "Peace and Justice" and therefore to evaluate the sufficiency of their current means of protection.

Furthermore, the Public Prosecutor added that if it resulted from the analysis of the situation that more important human and logistic resources were needed to reinforce

the security of the lawyers, then he will make the necessary so that these new protection tools be put in place quickly.

The OIA continues to follow carefully the situation of Me Garcia Fernandez but also of all the profession in Colombia.

## In 2010...

The efforts of IOL in the organization of missions of legal assistance for lawyers who are threatened will continue in 2010:

- Mission in China for helping the Chinese lawyers to recover their professional licence.
- Mission in Vietnam for the defence in appeal of Mr Le Cong Dinh, sentenced to 5 years of jail in first instance.
- Mission in Syria for the defence at court of Mr Al Hassani.
- Other missions will be also conducted according to the cases of threatened lawyers brought to the submission of the Observatory.

## The members of the team

Members of LWB France : Mounia Ben Hammou, Bénédicte Chesnelong, Loic Guérin, Marianne Lagrue, Charlotte Levy, Christine Martineau, Françoise Mathe, Philippe Moriceau, Nathalie Muller, Ivan Paneff et Michèle Stern.

The members of the consortium project also participate in this mission by the IOL. They come from partner institutions

## Partners of the project

Consiglio Nazionale Forense (Italie), Consejo General de la Abogacía Española (Espagne), Conseil National des Barreaux (France) et Barreau de Paris.



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# ACTION OF URGENCY LED IN MONGOLIA

## MISSION OF SUPPORT AND DEFENCE TO THE LAWYER BAT-YALALT IN MONGOLIA

### Context of the mission

Since the setting up of the *Mongolian Republic* in 1992, the respect of the Human Rights and independency of justice are still on the go in the country. The death sentence is still pronounced and according to several sources, executions take place in the greatest secret, without official statistics. Mongolian organizations of the civil society mention acts of torture and bad treatments in the centre of detention on remand. They underlined also the impunity for the responsible and the restriction to the freedom of expression. The corruption is also mentioned as being shed.

With regards the judicial system, a study reveals that the judges give priority to the persons subject to court-action when they have money that means rich people. It happens often that decisions have political or personal interest background. And, even if the remand in custody should not exceed three months, it happens that persons be maintained in jail two years before their court-action.

### Case of the lawyer Bat-Yalalt

Khadbaataryn Bat-Yalalt is a lawyer who has very often defended victims of violence by police and abusive arrest.

He is well known for his activism in favour of human rights and he founded the NGO "Honest control of citizens" previously called "the justice for citizens". This NGO is dedicated to the protection of human rights, the improving of the justice and respect of the law as well that the ethic and morality of state employees. He is accused to have defamed a certain Sarantuya, who was judge, during a press conference in March 2008.

At the audience held on the 18 February, Bat-Yalalt was sentenced to four months in prison. The intervention of LWB France with the support of the "GIE Avocats" (National Council of the Bars, Bar of Paris and Conference of the members of the Bar) took place at the time of the procedure of appeal. LWB France was submitted by the spouse of Bat-Yalalt and by his lawyers.

The urgent intervention in Mongolia for the Bat-Yalalt case has for objectives:

- To be besides the Bat-Yalalt's lawyers and assist them in front of a judicial tool himself under pressure.
- Testify the support of the profession to Bat-Yalalt and his spouse
- Work besides his lawyer for his defence in appeal.

### Intervention of LWB France

Nathalie Muller, member of LWB France, led this mission from the 21st March to the 3rd April and she was able to visit Bat-Yalalt several times.

She was also able to organize several meetings with Bat-Yalalt's lawyers and his spouse, the manager and the members of the NGO "Honest control of citizens", the President being Bat-Yalalt.

She also appealed for a meeting with the officials of Mongolian justice, to point out her presence in the name of LWB France and to request to be allowed to bring her support to the defence of Bat-Yalalt. She was able to meet with the President of the Union of the lawyers of the Capital, the Manageress of the Mongolian National Commission of Human Rights, the responsible of the office of the complaints of this Commission, the President of the Criminal Law Chambers of the Courts of Appeal of the Capital. And thus she was able to leave evidence to the secretariat of the General Judge of the Court of Appeal of the Capital her request of authorization to participate the audience of the Court in her quality of lawyer.



Press conference given by the members of the NGO « Honest control of citizens » presided by Bat-Yalalt.



## Participation to the audience of the Court of Appeal

Tuesday 31 March 2009: audience at the Court of Appeal of Oulan Bator.

The lawyer Mrs Muller had the authorization to be sit on the bar of defence. Unfortunately, Bat-Yalalt did not assist to his court-action. He anticipated this situation and asked his lawyers not to request the adjournment of the audience, despite his absence. He explained to Mrs Muller that he wished that his affair be judged while the team of LWB France was in Mongolia.

*The presence of a foreign lawyer has been very noticed. The evening of the audience, the TV NTV and ARDCHILAL broadcast pictures of the court-action and interviews of Mrs Muller.*

The President started the audience by stating that it was not needed to have Bat-Yalalt appeared as his lawyers could represent him.

After the due deliberation, the Court judged that the proof was enough obvious that Bat-Yalalt had made the offence which was charged against him, and, by repression, confirmed the sentence of the first instance.

Mrs Muller, with the two Mongolian lawyers Surenjav and Khatanbaatar, went in the prison to inform Bat-Yalalt of the decision of the Court of Appeal.

Bat-Yalalt mentioned that this was not a surprise and that he was determined to make recourse to the Supreme Court.

## Conclusions and prospects

*Bat-Yalalt, having served his sentence, was released on the 29 April 2009 but he decided to fight to the end for having his innocence acknowledged. LWB France keeps close contacts with him and his family.*

With the support of *GIE Avocats* (National Counsel of the Bars, Bar of Paris and the Conference of the members of the Bar), LWB France could participate directly to the defense of Bat-Yalalt.

The experience in Mongolia has led to several observations :

- The work to be done to build judicial independence in Mongolia is very important.
- One priority is to make efforts for the affirmation of the lawyer profession in Mongolia

- The people we met during this mission clearly expressed their desire to develop a long-term cooperation with Lawyers Without Borders France

It has been possible to engage a fundamental discussion with the Mongolian lawyers and some institutions and organizations on the type of work which could be made with them in various fields: the education to the law, the access to the law and justice, the strengthening of the profession of lawyer and the development of the culture of the human rights.



Nathalie Muller (left), lawyer member of LWB France, next to the lawyers of defence, during the audience held on the 31 March 2009.

**The missions of urgency led by LWB France around the world are realized thanks to the support of GIE Avocats: National Counsel of the Bars, Bar of Paris and Conference of the members of the Bar.**





# Vocational and continuing training

# Vocational and continuing training

Besides its status of organization of international solidarity, LWB France is recognized as organism of training by the "Ministère des Affaires Sociales, du Travail et de la Solidarité".

**THE TRAINING OF ASF FRANCE THAT CAN BE COUNTED AT THE TITLE TO THE INDIVIDUAL RIGHT TO THE TRAINING, ARE HOMOLOGATED BY THE NATIONAL COUNSEL OF THE BAR AND CAN BE CHARGEABLE BY THE FIFPL.**

The training constitutes in the same time a tool aiming the autonomy of social partners and a privileged tool allowing the association to develop the quality and efficiency of its actions. Marie-Josée Cantier-Hermann, expert in training and in pedagogic engineering, supervises these training: she conceives and animates the training of the trainers and supervises the actions on the ground.

## **The actions take place in two axes:**

The training, that are an integrant part of the programme that LWB France develops in various countries, are intended to local practitioner of the law and justice and are build on the basis of the double objective **of the strengthening of the capacities of local actors and of the autonomy.** There are also intended to practitioners involved in the action of LWB France. All the contributors follow a degree-course of training allowing to constitute common core knowledge on the methodology of intervention of LWB France and to strengthen the efficiency of the interventions.

## **The degree-course of training consists in three big thematic...**

### **1/ Training of trainers**

The contributors of LWB France are led to participate to missions of training, more often outside their countries.

The training of trainers allows providing the methodological tool and a control of the specific pedagogy of adults. It allows also preparing them to the intervention in various contexts through the initiation to the intercultural "negotiation". In the context of intervention of LWB France, a small group of local actors is generally formed to become trainers to continue the objective of the autonomy of local practitioners.

The comprehensive training of trainers has two levels:

**THE FUNDAMENTALS.** This level allow to gain the essential basis for the training action and to distinguish it from exercises such as teaching, conference etc...

**THE STRENGTHENING.** It allows the development of the capacity to conceive a training, to draw up the specifications of training and to implement it.

### **2/ Training to the use of the tools of the lawyer in the international field**

The international texts protecting the Human Rights have the specificity of not only create reciprocal obligations between States like classical international treaties but true obligations of the State towards the persons who can prevail them to national or international authorities. The training on this theme prepared the practitioners of the law and justice to the identification of these texts, to the knowledge of their contents and to their use to appropriate national or international authorities. This training allows LWB France to promote the principles of the human rights that are in the core of its action.

### **3/ Training of the defence to international penal court of laws**

LWB France, through its various members, gained knowledge and an expertise in the field of international court of law for criminal law.

The regular intervention of the lawyers members of the association to these instances at an early stage, allowed acquiring an expertise on the procedure in place to these court of laws.

The training on the ICC allows sharing this expertise with other practitioners who wish to intervene to these courts of laws or who are interested at various degrees. In particular, it allows the lawyers to be able to adapt to the specific procedures of International Criminal Law Courts that are often different of the procedures they are familiar with.

LWB France developed a real pedagogic engineering, adapted to the training for adults and to the technique of group leadership. Created under the form of training-action, it requires to specific pedagogic methods, dynamics and interactive allowing the trainees to optimize the acquisition of knowledge and an expertise needed for their own practice.

The trainers are always practitioners, having a rich and strong experience, who are aimed to other practitioners. It is question of professional trainers or of practitioners of the law having followed the training of trainers and unanimously recognized in their practical field.

### **...And four additional modules**

#### **1/ The fair court-action**

#### **2/ The regional system of protection of human rights**

#### **3/ The Ad'hoc and special courts**

#### **4/ The universal competency**

Trainings are agreed by the National Counsel of the Bars, supported by the FIFPL. The personnel of LWB France is trained by Uniformation and Welcome Europe.



## In 2009...

More than 100 persons trained in 2009, for a total of 147 hours of training.

### Results:

- Members of the association are prepared to the intervention on the field and a team-working group inside the project.
- The capacities of external practitioners to their association have been reinforced in the field of human rights.
- Local actors and partners of the actions of LWB have been reinforced and autonomized.

Furthermore, LWB France has been asked for a training action for the benefit of the counsels to the International Criminal Court.

So, its practitioner's trainers specialized in pedagogic engineering in the use of the International Judicial Tools and to the International Court of laws went in La Haye for animating the training of the Counsels registered at the request of the clerk's office.



## In 2010...

See the calendar of training sessions below.

In addition to these sessions already programmed, **during 2010 LWB France will develop, as in the past, relocated training inside the various Bars as well awareness meetings in the Bars and training schools for young lawyers.**

Otherwise, LWB France will continue its training sessions inside its various programmes and projects: Cambodia, Nigeria, French Speaking Africa, etc..

# Training Calendar 2010

## TRAINING OF TRAINERS

### • « FUNDAMENTALS »

1<sup>st</sup> session : 9-10 et 16-17 January (Paris)

2<sup>nd</sup> session : 12-13-14-15 May (Sommières)

### • « CONSOLIDATION »

4-5-6 November (Paris)

## THE LAWYER'S TOOLS IN AN INTERNATIONAL CONTEXT & THE FAIR TRIAL

1<sup>st</sup> session : 15-16-17 April (Toulouse)

2<sup>nd</sup> Session : 7-8-9 October (Paris)

## DEFENCE BEFORE INTERNATIONAL CRIMINAL TRIBUNALS & AD-HOC AND SPECIAL TRIBUNALS

27-28-29-30 October (Paris)

## REGIONAL SYSTEMS FOR THE PROTECTION OF HUMAN RIGHTS: AFRICAN AND EUROPEAN

18-19-20 November (Paris)

### january

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### october

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### november

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29	30					

### december

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26	27	28	29	30	31	

Otherwise, the Association aims at the training of voluntaries both on judicial than methodological plan. This preparation is a prerequisite to any commitment in the actions of the association.

In addition to the training of volunteers, the association also develops training for its employees. They are invited to participate to the training made by the association, but also to follow professional training made by other institutes but adapted to the needs of each one.

So, in 2009, the whole of the employees was able to follow a training "How to access to the Europeans funds 2007-2013, directly managed by the European Commission, in particular for the projects of external cooperation" for a total of 28 hours. Four employees have also followed an English course.

**The effort on the training of the employees will continue in 2010**

Some needs have been recorded and the research of tools in on going. A training programme for the strengthening of the professional skills of all the employees is in process to be elaborated and will continue all along the year.

The ASF's employees could also benefit of the actions of strengthening in the framework of the current partnership, in particular with Microsoft France and the international law firms Clifford Chance and Allen & Overy.





**THE FORTHCOMING PROJECT...**

## ... IN CAMEROON

Generally, the legal system in Cameroon presents rather protective frame concerning Human Rights.

**Cameroon is still faced to difficulties of implementation of this protective legal frame. The reality of the criminal law procedure being the scene of usual violations of human rights.** It is then to the practical level of application of the law and of the procedure that an intervention is fundamental.

### The project

LWB Cameroon that was implied in the thoughts and popularization of the New Code of Criminal Law Procedure, noticed some notable progress but also important restrictions to the access to the justice and disposals which are always matching the international commitments of the country with regards the respect of the human rights.

The main objective of this project is to encourage an independent and fair judicial system guaranteeing the access to the justice for the persons very vulnerable, in particular the poorest. The Bar of Cameroon is also associated to this project.

The previous works to the realization of this project have been led in the framework of Network LWB. They led to the elaboration of a partnership between LWB France and LWB Cameroon to propose an action called **"access to a fair justice for the vulnerable population of Cameroon"**.

### Objectives of the project

The project will contribute to the strengthening of the Constitutional State in Cameroon through the improving of the respect of the rights of those to be tried. The objective of the project is to promote the development of a fair and independent judicial system, guaranteeing the access to the justice for the persons very vulnerable, in particular the poorest. The access of population to a fair criminal procedure will be increased and the development of the good practices will allow a decrease of the violations of the rights of those to be tried along the judicial chain.

### Activities of the project

- Strengthening of the abilities of the lawyers and other judicial actors.
- Setting up of an on duty criminal office to the Bar
- Information of the population on the Human Rights and the rights of the defence
- Creation inside LWB Cameroon of a cell in charge of receiving complaints of persons for offence to their physical or psychic integrity during the enquiry.

### Expected results

- 1/ The lawyers and other members of the judicial community strengthened their capacities as regards criminal law procedure and human rights.
- 2/ The most vulnerable persons have free of charge access to a lawyer in the frame of criminal law procedure.
- 3/ Population is usually sensibilized to its rights, and in criminal law in particular.
- 4/ The non-governmental gave strengthened their power of influence and control where equity of the criminal law procedure are concerned.

### 2010 Perspectives

The financing research relating to this project will continue all along 2010 to the various sponsors.

The partners in the project expect to obtain a financing in 2010 to launch the activities of this project of "Access to a fair justice for the vulnerable population of Cameroon".



Lawyers, members of the Lawyers Without Borders team in Cameroun, summer 2009.

## ... IN LAOS

The country remains politically stable since 1975, date at which has been proclaimed the Lao Popular Democratic Republic and where was set up popular revolutionary Lao party. The country adopted its first constitution in 1991 amended in 2003.

**During the latest years, the judicial system in Laos was fully reorganized** to line up on the international norms to create a Constitutional State with the support of the international aid. The country adopted a reform of governance in 2003 and also the "legal master plan" in cooperation with the European community, anticipating the development of the judicial sector for the period 2006-2010.

**Nevertheless, the judicial system in Laos, with is recent, faces some difficulties:** the question of the separation of the judicial and executive powers, the access to a free of charge lawyer and the presumption of innocence...

The situation of human rights in Laos remains worrying. Freedom of expression, of meetings, of association and religion are strictly controlled.

The country has to open out on the outside world and to confront to other judicial systems and international norms.

**The lawyers, as main actors of the handling of fair trials and defendants of the rights of the citizens, play a role in this process.** But, in Laos, the lawyer profession is underrepresented and cannot answer to the expectations of the population.

### The project

The association of the Bar of Laos, half autonomous organisation working under the supervision of the Ministry of Justice, suffers of a lack of financial means and material for the exercise and the well being of the profession. To strengthen its capacity, it showed a real interest concerning the additional training on the use of the tools of national and international rights relating to Human Rights and to fundamental principle of a fair trial.

The project is aimed to contribute to strengthening of the role of the lawyer individually but also in his quality of member of the Bar Association of Laos, by accentuating the activities and the strengthening of the capacities of this organization.

### Objectives of the project

**Contribute to the strengthening of the profession of lawyer thanks to training** for duration of two years on the *"use of the tools of national and international law relating to the protection of the human rights and the fundamental principles of fair trial"*.

### Activities of the project

**Contribute to the strengthening of the competences of the lawyers in Laos** on individual basis but also as member of a professional body represented by the Association of the Bar of Laos. Participate to the strengthening and consolidation of the Constitutional State in Laos and support the development of the civil society.

- Each year, two training sessions of trainers will be given by LWB France to a group of six lawyers and jurists able to provide training to judicial actors. The training covers the practical side on the pedagogic and practical methods; each co-trainer will be in charge of assisting the trainers of LWB France during the training of young lawyers.

The Association of the Bar of Laos will be in charge of the selection of the trainers from Laos among experimented lawyers and jurists.

A "guide of the trainer" explaining each step and each important point of the training will be distributed to each participant.

- Training will be given to two degrees of student lawyers and to lawyers in activity. This training is complementary and is aimed for the strengthening of the initial training given to the student lawyers by the Association of the Bar of Laos and the continuous training set up for the members of the Association of the Bar of Laos. In the same manner, the Association of the Bar of Laos will have to select among student lawyers and lawyers in activity, the trainees who will follow the training.

### Members of the team

Marie José Cantier-Herrmann, Martine Jacquin, Evelyne Boileau Brandomir, Philippe Canonne, Annie Delahaie, Laure Desforges, Ferdinand Djammen Nzepa, Nicole Dumas, Isabelle Durand, Marie-Dominique Flouzat Auba, Françoise Gautry, Marianne Lagrue, Daniel Losq, Christine Martineau, Henri Nayral de Puybusque, Alix Phiquepal, Elisabeth Rabesandratana, Ghislaine Seze, Fabienne Trusses, François Roger

### Partners of the project

Association of the Bar of Laos, European Commission, French Agency for the Development



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# BEYOND THE GROUND



## The strong events of 2009

**The move of the headquarter of the association marked the beginning of the year 2009.** Faithful to its origins from Toulouse, LWB France has set its new address to 8 Rue du Prieuré, in the town centre of Toulouse.

It is important to thanks all those without whom it would not have been possible: the Town Council of Toulouse and the craft workers, with at their head Mr Garcia. A big thank also to all the persons who answered to the invitation to the inauguration of the new location.

In parallel to the number of actions led in the projects, the Association participates each year to various events around the human rights.

In 2009, representatives of LWB France were able to intervene and testify of their commitment inside the Association, among other at the occasion of:

- **The conference on “The problem of the effective existence of human rights”** that took place in the presence of Stephane Hessel, French Ambassador, former resistance fighter and co writer of the “Declaration Universelle des Droits de l’Homme”
- **The Seminar of the International Union of Lawyers** with the theme “the Defense to the jurisdictions of international criminal law”, at Biarritz in September.
- **The colloquia organized at the University of Social Sciences with the theme “humanitarian and propaganda”** with the participation of Remy Brauman, founder of Doctors Without Borders.
- The World Justice Forum organized by the American Bar Association that was held in November at Vienna, Austria.
- **The celebrations of the anniversary of the “Declaration Universelle des Droits de l’Homme”**

LWB France is often also at the origin of certain events, as it was the case in February when it asked Koos Richelle, Manager of the DG EuropAid of the European Commission and Stefano Manservice, Manager of the DG Development of the European Commission to animate a **conference at the Sorbonne - Paris on the theme “Promotion of the access to the justice by the European Commission: stakes and perspectives”**.

There was then a cycle of conferences organized successively at:

- The Institute of Political Science, in April, where lawyers of the association, involved in the project led in Cambodia to the Extraordinary Chambers of the Cambodian Courts, testify to their action on the theme **“Trial Khmer Rouge: what judicial and political progress?”**
- The Bar of Toulouse, who welcomed in June the members of the association to animate a conference on the **“Justice on International Criminal Law ”**
- The Bar of Clermont Ferrand who invited in October the managers of LWB France to held a conference on **“The Defense to the jurisdictions of International Criminal Law ”**

## The events in 2010

► The event which without any doubt will mark the life of the association in 2010 is the organization of the first **“Fête des Droits de l’Homme”** which will take place in Beaulieu sur Dordogne (Region of Limousin, Correze), **the Friday 4, Saturday 5 and Sunday 6 of June** (see beside above); programme includes debates, conferences but also dance shows, theatre and concerts.

► Similar to the events organized for the 10 years of the Association in 2008, LWB France wishes again to gather his members but also his partners and more broadly all those who, from the judicial, academic, economic or politic world, wish to join the association on the occasion of **a gala party on the 22 October 2010** (see beside below).

Entertainment, concerts, clips, testimonies will accompanied the evening around a meal and profits will be paid back to the association.



LWB France general meeting in October 2009, in presence of members and representatives of Clifford Chance Paris, the International Criminal Court, the Department of Haute-Garonne, de la Conférence des Bâtonnier, etc.

# In 2010...

Friday 4th, Saturday 5th and Sunday 6th of June



Friday Octobre 22

## SOIREE DE GALA

ORGANISÉE PAR  
AVOCATS SANS FRONTIERES FRANCE  
LE 22 OCTOBRE 2010



PARCE QUE LES DROITS DE L'HOMME SONT L'AFFAIRE DE TOUS

Pour réserver, contactez Emeline : Tel. 05.34.31.17.83  
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29.04.2009  
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