



AVOCATS SANS FRONTIERES France

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

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January 2011

Floribert Chebeya trial: Lawyers Without Borders Network represents the families of victims.

On 2 June 2010 the body of Floribert Chebeya, spokesman for the Congolese NGO **Voix des Sans Voix, (Voice of the Voiceless)** was found dead. The day before, he had gone with his driver and friend Fidèle Bazana, to the Kinshasa police station where they had been summoned. Since then, Fidèle Bazana has been declared missing, although his death is unquestionable.

Respected and recognized as an activist and an ardent defender of human rights in his country, Floribert Chebeya, was also vice-president of the Inter-African Union for Human Rights, led by our colleague and friend, Brahim Kone, former President of ASF Mali.

This double murder has created a huge stir in the community of defenders of human rights, both in the DRC and abroad. Thus the leaders of principal democratic states, the Secretary-General of the United Nations and of the International Organisation of La Francophonie showed how moved they were and specifically asked the Congolese authorities to do everything possible to ensure that those responsible for these crimes are arrested and tried.

Eight police officers will be charged and five detained within a relatively short period, but three have managed to flee. They are members of special armed services and their leader is **the famous General John Numbi**, reputed to be close to the Head of State and leader of the notorious Simba Battalion, which is suspected of numerous violent acts.

Floribert Chebeya
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General John Numbi

It is the Congolese military justice system which has investigated this matter and has thus far spared General Numbi. There are therefore only five people, including a colonel, who have gone before the Military Court in Kinshasa since 3 December 2010.

The ASF Network has followed this procedure since its inception and Mr. Francois Cantier joined the group Lawyers for victims' families and the Voix des Sans Voix (Voice of the Voiceless) Association who have formed an association with the public prosecutor. This group is coordinated by the former President of the Bar of Kinshasa, Mr. Mukendi Wa Mulumba, who also heads the Institute of Human Rights of the Bar. Mr. Cantier acts on behalf of the ASF Network, ASF France, and NGO's and other bodies working with the International Organisation of La Francophonie. It is with these qualifications that he appeared before the Military Court.

Mr. Brahim Kone of ASF Mali and Claude Joël Paka, Bar president and member of Pointe Noire ASF Congo (Brazzaville), will also follow up this matter with Mr. Cantier.

Their presence, as the only foreigners, was greatly appreciated by their Congolese colleagues as well as the families of victims and the members of the Voix des Sans Voix Association, who live in fear because they want the whole truth about the circumstances surrounding these murders to be revealed.

The objective of Lawyers for victims is to call for the indictment of the Head of Special Services of Police, General Numbi; the same man who had summoned, as we have proved, Floribert Chebeya on 1 June 2010. Otherwise, this trial would be a travesty and triumph of impunity.

Edito

On behalf of myself and our volunteers and all our teams, I wish you the very best for the year 2011.

This year promises to be fruitful for us as it will start with the launch of **two new projects**: SALI (Saving Lives), devoted to the fight against the death penalty in Nigeria and DIDE (Dignity in Detention) in Cameroon, dedicated to promoting respect for at least the basic rules of law for persons detained in prisons.

Thanks to the quality of our collective work as well as the continued support from our technical and financial partners, the projects implemented in Cambodia, Laos and French-speaking Africa can continue, along with our training programs.

The ASF Network strengthens and grows with the creation of ASF Benin, Congo (Brazzaville), Senegal and Togo and the establishment of joint projects and actions, thus multiplying our capabilities.

Finally, **we welcome the extension of financial support from the European Commission for our International Observatory for Lawyers project** for the next 6 months. The Observatory has now demonstrated it is equal to its task and shows its usefulness daily in the defense of colleagues under threat around the world.

It is my special wish that 2011, as with previous years, provides us with the opportunity to strengthen our personal bonds and our collective efforts. It is the mark of our Association and its extraordinary strength that friendship shared in work, effort, and frequent risk, serves our ideal of justice: let us preserve it and develop it even further.

François CANTIER,
President of ASF France

Africa: two new projects starting in 2011.

Saving Lives ...

SALI Project, Nigeria **Strengthening the role of lawyers in the fight against the death penalty.**

This 3-year project, funded by the European Commission, will begin in January 2011. It results from a partnership with the Legal Aid Council of Nigeria, the Nigerian Bar Association, and The Constitutional Rights Project.

Our goal: To reduce the number of those risking the death penalty, sentenced to death after trial, or awaiting the death penalty, through the engagement of civil society and political and judicial actors, especially lawyers.

To do this, the ASF France office in Nigeria will host:

- ◆ **Outreach activities and workshops** on the theme of the death penalty, fair trial and detention conditions for civil society organizations, political and judicial actors, as well as for police and prison staff.
- ◆ **Training to improve the capabilities of 8 intermediary lawyers** on the theme of the death penalty, and thus enable them to provide legal assistance to prisoners sentenced to death.

Free legal aid will be given to prisoners liable to the death penalty and communication campaigns and advocacy on the death penalty will be implemented.



ASF-France project leaders and staff of Abuja (Nigeria) together with the intermediary lawyers.

Dignity in Detention...

DIDE project, Cameroon **Respecting the rights of detainees**

Within a judicial system already struggling due to lack of finances, human resources, culture of respect for human rights, or because of commonplace corruption, the prison system in Cameroon is in a disturbing state.

Beyond prisons, the problem of respect for the dignity and rights of persons deprived of freedom is made evident daily by the worrying situation in police stations where those in custody complain of the treatment they must endure.

The urgency of an intervention therefore concerns all places where freedom is restricted. Detainees must be informed of their rights and professionals should be made aware of the need to respect the basic rights of detainees so they are better complied with.

There is also a proposed project that is to operate over a period of 3 years with the financial support from the European Commission. It has been designed and will be conducted in close partnership with ASF Cameroon and the Cameroon Bar Association.

Various actions will be implemented:

- ◆ **Training sessions with various players in the prison life:** prison staff, police officers, judges, lawyers, clerks ...
- ◆ **Sharing information and raising awareness** among detainees about their rights and guarantees.
- ◆ **Free legal assistance** will be provided to detainees through regular visits to their place of detention.

Members of ASF Cameroon, France ASF partner for this project.



Signing of the Charter of the Lawyers Without Borders (ASF) Network in Yaounde - Cameroon

2010 has been promising for the ASF network, including its **3rd plenary meeting held in Douala and Yaounde, Cameroon in November 2010**. This meeting was marked by the formal adoption and signature of the official code of ethics of the Network.

In addition to this work, a delegation from the Network visited the New Bell jail in Douala to offer solidarity and support to **Etienne Abessolo**, a lawyer from Cameroon who is imprisoned there. A support visit in more difficult conditions was also made to **Lydienne Eyoum**, also a lawyer, detained at Kodemgui Central Prison in Yaounde.

New ASF members have joined the Network on this occasion: Colombia, Senegal. Since then, other ASF member organizations, old or recently created, have also expressed interest in joining the Network: for example, DRC, Togo, Benin, Congo Brazzaville ...

In addition to its emergency actions such as its intervention in the trial of F. Chebeya (see P1), **the ASF Network is organizing its second international conference in Geneva on 14 April 2011.**



Representatives of the ASF Network members at the 3rd plenary meeting in Cameroon, in November 2010.

The ASF Network is composed of: ASF Brazil, ASF Cameroon, ASF Colombia, ASF France, ASF Guinea Conakry, ASF Italy, ASF Mali, ASF Mauritania, ASF Netherlands, ASF Peru, ASF Senegal ASF Sweden and ASF Switzerland.

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.

Cambodia: Strengthening the role of counsel and legal aid.

Legal Aid Program

The 22 lawyers in the legal aid program, implemented in partnership with the Cambodian Bar, supply a **free legal service to those most vulnerable**. Their involvement ranges from simple legal advice to legal representation in court. From May to December 2010, **943 cases were monitored in 20 provinces of Cambodia**.

The ASF France team organizes regular meetings with the lawyers of the program, court presidents, judges, clerks and local authorities to ensure the smooth running of the program.



Meeting between François Roger (ASF France), Hing Sengdy (ASF France) et and one of the legal aid program's lawyer.

Lawyers for the program also receive training to strengthen their capacities.



Chiv Songhak - President of the Cambodian Bar, François Roger, Isabelle Durand (ASF France instructors - Toulouse Bar), Say Sinek (project coordinator), surrounded by lawyers from the Legal Aid programs participating in the training session on criminal law procedure, 19 to 22 October 2010, in Siem Reap.

Training of Cambodian lawyers on human rights and the rights of Defense

Two sessions were held in December 2010 with the following educators: Françoise Gautry (Brive Bar), Ghislaine Seze (Bordeaux Bar), Françoise Fraigneau (La Roche s/ Yon Bar) and Ferdinand Djammen Nzepa (Toulouse Bar).



They focused successively on the role of the lawyer and criminal procedure

These sessions were preceded by a course of co-instructor training, thus six Cambodian lawyers were trained beforehand in the methods of teaching training.

Laos: Strengthening the role of the lawyer

ASF France and the Bar of Laos delivered training for law students. These are part of the initial training for the Bar.

Two training sessions were held in September and October in Vientiane.

From 6 to 10 September 2010: the role of the lawyer

Instructors: Fabienne Trusses Naprous (Tarbes Bar), Evelyne Boileau Brandomir (Clermont-Ferrand Bar), Marianne Lagrue (Paris Bar)

From 11 to 15 October 2010: international agreements

Instructors: Fabienne Trusses Naprous, Marie Dominique Flouzat Auba (Paris Bar), Henri Nayral of Puybusque (Toulouse Bar).

Each session of training for judicial actors was preceded by a training of trainers: 6 Laotian lawyers were trained in the teaching methods of training.



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Missions to help lawyers under threat

www.observatoire-avocats.org

Georgia: mission to support Georgian colleagues under threat

The President of the Bar of Georgia met with several European bars and lawyers' organizations to explain the difficult situation faced by Georgian lawyers in the exercise of their functions. A delegation from the International Observatory for Lawyers, comprised of three lawyers, were in Tbilisi from 21 to 25 November 2010.

The mission report shows a **real destabilization of the legal profession in Georgia and undermining of its day-to-day practice**. The report is available at: www.observatoire-avocats.org/actions-durgence/georgie/.

The Observatory has also complained to the Georgian authorities and the Special Rapporteur on the issue of the independence of judges and lawyers concerning the particularly worrisome situation of **Mariana Ivelashvili**, a Georgian lawyer being held in prison No. 9 in Tbilisi and suffering from a serious illness requiring detailed examination.



DRC: Defense of Firmin Yangambi

Claude Joël Paka, President of the Pointe Noire Bar (Congo Brazzaville) has been mandated by the Observatory as defense lawyer for Firmin Yangambi. As such, he has been participating in the appeal hearings before the Military High Court in Kinshasa-Gombe and as well as for the defense along with local Congolese lawyers. **Firmin Yangambi** had been sentenced to death in initial proceedings, even though the accusations seem totally unfounded.

The summing-up of the Prosecution and pleadings of the defense were held during December 2010 and the verdict is expected in January.

Colombia: Support by the Observatory of. Jorge Molano

From 10 to 13 October 2010, a delegation from the Observatory visited Colombia to provide the profession's support to **Jorge Molano**, a lawyer, who had directly appealed to the Observatory for its support.

The attorney appointed attended at the hearing on 12 October 2010 as an observer. The situation was particularly sensitive because of threats received by Jorge Molano in his capacity as a lawyer representing the victims, and more broadly because of the tendency to stigmatize lawyers acting for the protection of human rights in Colombia.

The Observatory has made the diplomatic representations aware of Jorge Molano's situation and called the media's attention to it with several interviews in the national media.

The Observatory continues to monitor closely the situation of Jorge Molano and that of his colleague, **Mr Romero**, met during the assignment. A new mission of support to these lawyers is planned for January 2011.



Testimony

Impressions and memories of hearing with François Cantier during the trial of Floribert Chebeya.



On December 3, 2010, the trial of five detained accused begins. They are charged with conspiracy and murder.

It takes place within the precincts of the Makala prison in Kinshasa, in a "open" forum to allow the audience to watch the debates from the courtyard that surrounds it.

I arrive, robed, at the courtroom alongside Bar President Mukendi Wa Mulumba, who coordinates those representing the Collective of plaintiffs. All eyes are turned to me: I am the only foreign lawyer, both with the public prosecutor's team and for the defense.

And then begins each lawyer's presentation. When my turn comes, I list my titles and qualifications, especially as representative of the ASF Network and NGOs and other bodies working with the International Organisation of La Francophonie.

The room is filled with the families and friends of both victims and defendants, but also representatives of Chanceries, the United

Nations, the European Union, NGOs and ... the Minister of Justice. The media, mainly national, are also present.

The day before, we had met with the Lawyers of the Collective, amongst whom was Richard Bondo, President of ASF DRC, for a work meeting to finalize our conclusions regarding the invalidity of the proceedings before the Military Court. Indeed, the Military High Court had been previously seized with a decision for dismissal from the Military Auditor (Prosecutor) and the proceedings (24 h) later by the Military Court clearly appeared to be void.] The issue is crucial : the criminal responsibility of General Numbi can only be challenged before the High Court.

President Mukendi Wa Mulumba asked me, with the consent of our lawyer colleagues representing the civil parties, to be their "spokesperson" before the media. Consequently, at the end of the hearing I responded to questions from press, radio and television journalists. I explained the interest of legal discussion and affirmed our determination to

discover the whole truth regarding this double murder and to see those responsible prosecuted and convicted.

I also met the wife of Fidèle Bazana; the family of Floribert Chebeya had found refuge abroad. I noted the distress of this woman and her entourage. She knows, as everyone who has access to the file does, that her husband is dead, but the killers refuse to recognize this and return his body. Despite the danger, she has filed complaints, including against General Numbi. She knows she is under threat.

Of course I am in close contact with the Voix des Sans Voix (Voice of the Voiceless) Association and its new leadership. They are still resolute in their fight to defend human rights and want full light be shed on the assassination of these two men. They are obviously in great danger and our presence by their side serves to reassure them and may also offer them some protection."

Training sessions 2011

<p>Training trainers</p> <p>Two levels: Level 1: foundation • 1, 2, 3 and 4 June 2011 / Sommières • 9, 10, 11 and 12 November 2011 / Paris</p> <p>Level 2: refresher • 5, 6 and 7 May 2011 / Paris • 1, 2 and 3 December 2011 / Toulouse</p>	<p>Regional human rights protection systems: African and European</p> <p>24, 25 and 26 November 2011 / Paris</p>	<table border="1"> <tr><td colspan="7">january</td></tr> <tr><td>l</td><td>m</td><td>m</td><td>j</td><td>v</td><td>s</td><td>d</td></tr> <tr><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td></td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td></tr> <tr><td>31</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>	january							l	m	m	j	v	s	d					1	2		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31							<table border="1"> <tr><td colspan="7">february</td></tr> <tr><td>l</td><td>m</td><td>m</td><td>j</td><td>v</td><td>s</td><td>d</td></tr> <tr><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr> <tr><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td></tr> <tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td></tr> <tr><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td></td><td></td></tr> </table>	february							l	m	m	j	v	s	d				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30			<table border="1"> <tr><td colspan="7">march</td></tr> <tr><td>l</td><td>m</td><td>m</td><td>j</td><td>v</td><td>s</td><td>d</td></tr> <tr><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr> <tr><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td></tr> <tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td></tr> <tr><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td><td></td></tr> </table>	march							l	m	m	j	v	s	d				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
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<p>Lawyers' tools at international level</p> <p>Two three-day sessions:</p> <p>7, 8 and 9 April 2011 / Paris Lawyers' tools at international level + fair trials</p> <p>29/30 Sept and 1 Oct 2011 / Toulouse Lawyers' tools at international level + universal jurisdiction</p>	<p>International criminal defence</p> <p>Two four-day sessions:</p> <p>27, 28, 29 and 30 April 2011 / Paris International criminal defence and Extraordinary Chambers in the Courts of Cambodia (ECCC)</p> <p>16, 17, 18 and 19 November 2011 / Paris International criminal defence + International Criminal Court</p>	<table border="1"> <tr><td colspan="7">april</td></tr> <tr><td>l</td><td>m</td><td>m</td><td>j</td><td>v</td><td>s</td><td>d</td></tr> <tr><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td></tr> <tr><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td></tr> <tr><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td></tr> <tr><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td></tr> <tr><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td></td></tr> </table>	april							l	m	m	j	v	s	d					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		<table border="1"> <tr><td colspan="7">may</td></tr> <tr><td>l</td><td>m</td><td>m</td><td>j</td><td>v</td><td>s</td><td>d</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr> <tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr> <tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr> <tr><td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td></tr> </table>	may							l	m	m	j	v	s	d							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						<table border="1"> <tr><td colspan="7">june</td></tr> <tr><td>l</td><td>m</td><td>m</td><td>j</td><td>v</td><td>s</td><td>d</td></tr> <tr><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td></tr> <tr><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td></tr> <tr><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td></tr> <tr><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td></tr> <tr><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td></td></tr> </table>	june							l	m	m	j	v	s	d					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
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THE ABOVE COURSES ARE OPEN TO PUBLIC, ELIGIBLE TO THE DIF AND APPROVED BY THE FRENCH CONSEIL NATIONAL DES BARREAUX. THEY ARE DELIVERED BY TEACHERS WHO ARE SPECIALIZED IN EDUCATION AND HAVE APPROPRIATE COMMEND OF INTERNATIONAL CRIMINAL COURT ISSUES.

AGENDA

See the complete schedule of activities of the association at:
avocatssansfrontieres-france.org

From January 23 to 28: International Film Festival on Human Rights in Toulouse
January 29-30: 21th Moot Court Competition at the Caen Memorial: Francois Cantier to chair the jury of the first submissions competition by law students on 29 January 2011
From February 6 to 11: Presence of ASF Network at the World Social Forum in Dakar

Thank you for reading this message, the Head office team.

Director: Hugo MOUDIKI JOMBWE, , Asia Program Manager: Séverine LACROIX, Africa Program Manager: Julie CATEAU, International Observatory of Lawyers Manager: Charlotte BENOIT, ASF Network Manager: Anne LUTUN, Executive Assistant in charge of Trainings: Emeline BARDON, Communication Manager: Sophie AUSTRUY, Financial Manager: Alexandre CROIZIERS de LACVIVIER Webmaster: Rémi BACQUE