Where the defence no longer has a voice.

STATUTES
of the

NOT-FOR-PROFIT ORGANISATION
(French Law of 1901)

AVOCATS SANS FRONTIERES
France

Lawyers without Borders France
TITLE 1: Aim et composition of the Organisation

ARTICLE 1

The Organisation called “AVOCATS SANS FRONTERES FRANCE” or “ASF France”, founded in April 1998 aims to:

- contribute to the effective application of universally recognised human rights in accordance with the motion voted by the International Bar Association Conference of Common Legal Traditions on January 24, 1992;

- work wherever it is deemed useful and necessary, through the establishment or the restoration of the rule of law, of the judicial infrastructure and, particularly, of the right to due process and to adequate legal representation;

- work towards the prevention of and against impunity for acts of violence of any kind and, in particular, murder, enforced disappearances, torture, threats, persecution, imprisonment of which lawyers may be victim as a result of their professional activities. In order to do so, it may use all means at its disposal and may bring cases before any national or international, legal or non-legal institution or intervene in such cases, including the possibility of joining a victim’s civil action claim before the competent internal jurisdictions.

The Organisation was founded under the French law on organisations of July 1, 1901.

The name AVOCATS SANS FRONTERES FRANCE is the property of the not-for-profit organisation ASF France, registered December 11, 1992 in accordance with the Madrid Accords, the main office of which is located at “Maison de l’Avocat, 91 Rue de l’enseignement, 1000 BRUSSELS, Belgium”, and which authorises the use of the name and the logo ASF within the context of realising the objectives of the present Organisation.

It is of unlimited duration.

Its main office is in Toulouse, France (31).

ARTICLE 2

The means of the Organisation are:

- The gathering, without discrimination and without exclusion, of all lawyers willing to provide legal advice in situations where the right to due process has been violated, runs such a risk or needs to be reaffirmed.

- The organisation of professional training, in France as well as abroad, relevant to the realisation of its main objective.

- The mobilisation of all national or international, human and material means that allow its members to fulfil their mission in any part of the world where they may be asked to serve.

ARTICLE 3

The Organisation is composed of founding members, members by right, subscribing members, active members, honorary members and benefactor-members.
Founding members and subscribing members, being officially recognised by the Administrative Council, are individuals registered at a bar association, bar associations themselves or collective or individual entities able to assist the Organisation in its work considering their particular expertise.

Founding members are the thirty individuals who initially participated in the creation of the Organisation (cf. list in Annexes).

Members by right are the eight professional organisations and bar associations recognised as founding members (cf. list in Annexes).

In order to be an active member, one must officially be recognised by the Administrative Council and participate in the activities of the Organisation.

Subscribing members and active members donate a yearly sum of money constituting a membership fee, the exact amount of which is determined by the General Assembly.

The title of honorary member may be given by the Administrative Council to collective or individual entities likely to provide an important service to the Organisation or who have contributed significantly to the constitution of the Organisation. These members are not required to pay an annual membership fee.

Benefactor-members are either collective or individual entities that have financially assisted the Organisation. They are not required to pay an annual membership fee.

**ARTICLE 4**

Membership is lost:

A) For an individual:
1/ Through resigning by letter to the President of the Organisation
2/ Through the Administrative Council’s announcement of the individual’s exclusion as a result of non-payment of membership fees or for other particularly serious reasons, unless an appeal is made to the General Assembly. The member in question is asked to provide explanations.

B/ For a collective entity:
1/ Through its withdrawal upon its own decision and addressed by letter to the President of the Organisation;
2/ Through the Administrative Council’s announcement of its exclusion as a result of non-payment of membership fees or for other particularly serious reasons, unless an appeal is made to the General Assembly. The representative of the collective entity is asked beforehand to provide explanations.

**TITLE 2 : Administration and functioning**

**ARTICLE 5**

The Organisation is administrated by a Council with between eighteen and twenty-four members, their total number being determined by debate at the General Assembly; this number does not include the eight members by right (cf. list in Annexes).

The Council members are elected by secret ballot by the General Assembly for a two-year term and chosen from among the categories of members that make up the General Assembly.

The entire Council is renewed in a single election.
Employees and members of the Organisation may be elected to the Administrative Council (no more than two employees simultaneously). In the eventuality that more than two employee candidates acquire the votes necessary for election, only the two candidates with the most votes are proclaimed elected. They are not allowed to take on the positions of President, Vice President, Secretary or Treasurer.

During holidays, the Council may temporarily replace its members via recommendation and following a majority vote of the elected members present or represented.

The powers of members thus elected expire automatically when the original members’ powers would have expired.

Each administrator holds only one vote for decisions in the Administrative Council.

The Council chooses from among its members by secret ballot the Board, composed of a President, of two or three Vice Presidents, a Secretary, a Treasurer, and an Assistant Treasurer.

In the eventuality that the President is unable to continue fulfilling his functions, they may be taken on by a previously designated Vice President.

The Board is elected for two years. The number of its members may not be more than two-thirds of that of the Council.

ARTICLE 6

The Council meets at least every 6 months and when convened by its President or at the request of one-fourth of the members of the Organisation.

It is presided over by its President or, if he is unable to do so, by the Vice President that he has designated to represent him.

The presence of at least one-third of the elected members of the Administrative Council is required for the validation of decisions.

If this quota is not attained, then the Administrative Council must be convened a second time, in exactly the same wording and sent within one month to the members of the Administrative Council. For this new meeting, there is no need for a quota and decisions are made according to the majority vote of the members present or represented.

In the eventuality of an equally divided vote, the President’s vote becomes decisive.

The President designates a reporter at the beginning of the meeting. The minutes of the sessions are recorded in writing.

The minutes are signed by the President and the Secretary. They are written with neither blanks nor crossed-out text on numbered pages and archived at the Organisation’s main office.

ARTICLE 7

The members of the Administrative Council may not receive any payment in exchange for exercising the functions that they hold.

Only the reimbursement of expenses is possible. They must be subject to an express decision by the Administrative Council in the absence of those concerned; proof of payment must be produced and will be verified.
The employees of the Organisation may be called upon by the President to attend sessions of the General Assembly and the Administrative Council with a consultative vote.

**ARTICLE 8**

The General Assembly is made up of all of the members of the Organisation. Only those members whose membership is up to date may participate in a vote. Members who have not paid their membership fees have a consultative role.

Collective entities are represented by their current legal representative or anyone duly invested with such power. They must designate a person to represent them by letter before the meeting of the General Assembly.

It is convened at least once a year and when convened by the Administrative Council or at the request of at least one-fourth of the members of the Organisation.

The Assembly is presided over by the President of the Administrative Council or, if he is unable to do so, by the Vice President whom he has designated to represent him.

The meeting’s agenda is determined by the Administrative Council.

It chooses its Board which may also be that of the Administrative Council.

It listens to reports on the management of the Administrative Council and on the finances and activities of the Organisation.

It determines the amount of the membership fees, approves the yearly accounts, votes the budget for the following exercise, debates about the issues specified in the agenda, sees to the renewal (if necessary) of the members of the Administrative Council and of the Accounts Auditor, votes on modifications of the social statutes or the disbanding of the Organisation in accordance with Articles 17 to 20 of the present statutes.

Minutes of the sessions must be recorded in writing. The minutes are signed by the President and the Secretary. They are written with neither blanks nor crossed-out text on numbered pages and archived at the Organisation’s main office.

Any member present may hold only five mandates to vote in addition to his own vote. In the case of an equally divided vote, the President’s vote becomes decisive.

The annual report and the accounts are sent to all members of the Organisation each year.

**ARTICLE 9**

The President represents the Organisation in all of its civilian activities. He regulates expenses. He may delegate functions according to the conditions as laid out in the internal guidelines.

When representing the Organisation in court, the President may only be replaced by a representative with an official mandate.

The right of representatives of the Organisation to freely exercise their civil rights must be respected.

In order to carry out such actions as mentioned in Paragraph 4 of Article 1, the President has the power to represent the Organisation in court by requesting the necessary mandate from the Administrative Council. In an emergency situation, the Administrative Council does not have to be consulted within the deadlines and procedures mentioned in Article 6 of the Statutes and Articles 6
and 10 of the internal guidelines. Votes on the mandate given to the President may be sent by fax or e-mail.

The Administrative Council must be informed immediately of the enactment of such procedures and is kept regularly informed of their status.

**ARTICLE 10**

Decisions of the Administrative Council pertaining to any of the following must be approved by the General Assembly: the acquisition, exchanges and alienation of real estate necessary for the Organisation’s purpose; the determination of mortgages on such real estate; leases exceeding nine years; the alienation of real estate into its endowment and loans.

**ARTICLE 11**

Decisions of the Administrative Council pertaining to the acceptance of gifts and legacies may not be considered valid until administrative approval is obtained in accordance with conditions as provided for by Article 910 of the Civil Code, Article 7 of the Law of February 4, 1901, and the Modified Decree No. 66-388 of June 13, 1966.

Decisions of the General Assembly pertaining to the alienation of assets and real estate, being dependent on its endowment, the determination of mortgages and loans, may not be considered valid until administrative approval is issued by the Ministry of Justice and the Ministry of Foreign Affairs.

**ARTICLE 12**

The Organisation may create local branches following Administrative Council decisions, made by the majority of its members and approved at the General Assembly.

The Prefect must be notified of the decision to create a local branch within eight days.

The role of local branches is to carry on and realise the Organisation’s objectives.

Each branch is managed by a member of the Organisation, officially designated by the President of Avocats Sans Frontières France.

They must report on their activities by sending all correspondence – incoming and outgoing – in addition to their accounting books to the main office of Avocats Sans Frontières France.

They must also report on initiatives taken and decisions made as soon as possible.

They apply decisions made by the Administrative Council and the General Assembly.

Subject to decision by the Administrative Council, local branches may receive a part of their members’ membership fees.

**TITLE 3: Endowment, annual resources**

**ARTICLE 13**
The endowment includes:
  o 1000 Euros.
  o Buildings necessary for the intended purpose of the Organisation.
  o Capital arising from gifts, unless the immediate use thereof has not been authorised.
  o Any sums received for the repurchase of memberships.
  o At least one-tenth (annually capitalised) of the yearly net revenue from the Organisation’s assets.
  o Any excess resources not necessary for the functioning of the Organisation during the following exercise.

ARTICLE 14

Investment capital, in addition to that included in the endowment, is to be invested in name-specific stock options for which must be established name-specific reference dockets in accordance with Article 55 of Law No. 87-416 of June 17, 1987, on savings, or in shares accepted by the Bank of France as the guarantee of an advance.

ARTICLE 15

The annual income of the Organisation includes:
  o Income from its assets, with the exception of the fraction provided for in Paragraph 5 of Article 13;
  o Its members membership fees and subscriptions;
  o Grants provided by the State, by departments, by cities and by public entities, as well as by any other public or private organism;
  o Income from gifts, the use of which is authorised during a given exercise;
  o Resources created on an exceptional basis and, if necessary, with authorisation by the competent authority (in the case of individual events such as concerts, benefits, shows, etc.);
  o Income from sales and from redistribution in exchange for services rendered.

ARTICLE 16

The accounting books are to be kept and must show their end-of-the-year status, a balance sheet and an annex for each year.

Each establishment and local branch of the Organisation must keep separate books, forming individual chapters within the books of the Organisation as a whole.

The use of funds from all grants allocated during the previous exercise is justified each year to the Department Prefect, the Minister of the Interior, the Minister of Foreign Affairs as well as the Minister of Justice.

TITLE 4 : Modification of the statutes and disbandment

ARTICLE 17
The statutes may be modified by the General Assembly upon proposal by the Administrative Council or by one-tenth of the members that make up the General Assembly.

In both cases, proposals for modification must be included in the written agenda of the next General Assembly, which must be sent to all members of the Assembly at least 15 days in advance.

The Assembly must be composed of at least one-fourth of its current membership. If this proportion is not attained, the Assembly must be reconvened, but at least 15 days later, and, this second time, has the power to make valid decisions, regardless of the number of members present or represented.

Without exception, modification of the statutes is conditional upon a two-third’s majority vote of the members present or represented.

**ARTICLE 18**

The General Assembly called upon to make a decision regarding the disbanding of the Organisation and convened to do so by the conditions provided for in the preceding article, must include at least half of the current membership plus one.

If this proportion is not attained, the Assembly must be reconvened at least fifteen days later and, this second time, has the power to make valid decisions, regardless of the number of members present or represented.

Without exception, disbandment is conditional upon a two-third’s majority vote of the members present or represented.

**ARTICLE 19**

In the eventuality of disbandment, the General Assembly is to designate one or several commissioners, given the responsibility of liquidating the Organisation’s assets. It allocates the net balance to one or several similar establishments, either public or recognised as being of public use, or to such establishments as are mentioned in Article 6, Paragraph 5 of the Modified Law of July 1, 1901.

**ARTICLE 20**

In accordance with articles 17, 18 and 19, decisions of the General Assembly are sent without delay to the Minister of the Interior, to the Minister of Justice and the Minister of Foreign Affairs.

They may not be considered valid until approved by the Government.

**TITLE 5: Internal guidelines and surveillance**

**ARTICLE 21**

The President of the Administrative Council or another representative acting under special mandate must, within three months, declare any change in the administration or Board of the Organisation to the Prefecture of the Department, or the Sub-Prefecture of the city neighbourhood, within whose jurisdiction the Organisation is officially located.
The Organisation’s registers and accounting books must be presented on location, whenever required by the Minister of the Interior or the Prefect, their representatives or any other civil servant accredited by them.

The annual report and the accounting books – including those of local committees – must be sent to the Department Prefect, the Minister of the Interior, the Minister of Justice and the Minister of Foreign Affairs each year.

**ARTICLE 22**

The Minister of the Interior, the Minister of Justice and the Minister of Foreign Affairs have the right to delegate representatives to visit the establishments created by the Organisation and to receive reports on their functioning.

**ARTICLE 23**

The internal guidelines prepared by the Administrative Council and adopted by the General Assembly are sent to the Department Prefecture. Its modification or enactment is conditional upon approval by the Minister of the Interior.

The present statutes were approved at the General Assembly of June 4, 2004.

They were printed in as many copies as there were interested parties, two for the official declaration and one for the Organisation.

President,  
François CANTIER  
Secretary,  
Gérard DUPUY
ANNEX: List of the Founding Members of the Organisation

Honorary President: Mario STASI, Bar President (Paris)

1. François CANTIER
2. Ferdinand DJAMMEN NZEPA
3. Françoise MATHE
4. Jean BENSADOUN
5. Luc DOURY
6. Jacques MAISONNEUVE
7. Avocats Sans Frontières Belgique (Lawyers without Borders Belgium)
8. F.N.U.J.A. (Federation of Young Lawyers Unions)
9. S.A.F. (Lawyers Union of France)
10. C.N.A. (National Confederation of Lawyers)
11. Bar Association of Paris
12. Bar Association of Toulouse
13. Bar Association of Lyon
14. Bar Association of Marseille
15. Caroline JAUFFRET
16. Anne FAURE
17. Nathalie DUPONT-RICARD
18. Laurence DUPUY-JAUVERT
19. Flor TERCERO
20. Joseph SAINTE-LUCE
21. Alain FURBURY (décédé)
22. Olivier THEVENOT
23. Laurent de CAUNES
24. Jean-Luc FORGET
25. Roger-Vincent CALATAYUD
26. Gérard DUPUY
27. Bertrand DESARNAUTS
28. Myriam PLET
29. François ROGER
30. Charles-Henri de CHOESEUL
ANNEX: List of the Members by Right of the Organisation

1. Avocats Sans Frontières Belgique (Lawyers without Borders Belgium)
2. F.N.U.J.A. (Federation of Young Lawyers Unions)
3. S.A.F. (Lawyers Union of France)
4. C.N.A. (National Confederation of Lawyers)
5. Bar Association of Paris
6. Bar Association of Toulouse
7. Bar Association of Lyon
8. Bar Association of Marseille

This translation into the English language was completed on August 16, 2005. Only the French version may be considered valid under any law.