



DRAFT CONCEPT NOTE ESTABLISHMENT OF THE GREAT LAKES JUDICIAL COOPERATION NETWORK/PLATFORM

Overview

1. The International Conference on the Great Lakes Region (ICGLR), with the Office of the Special Envoy of the Secretary-General for the Great Lakes Region (O/SESG-GL), UNDP and UNODC seek to follow up on existing recommendations made to facilitate the administration of justice through judicial cooperation in the Great Lakes region. To that end, they seek to create and support a Great Lakes Regional Judicial Cooperation Network (GLJC Network) to be comprised of member states of the ICGLR countries. This will help promote the practical implementation of the ICGLR Protocol on Judicial Cooperation and reinforce commitments made by the Heads of State in the ICGLR Pact and the Peace, Security and Cooperation Framework for the DRC and the region (PSC Framework).

2. Further initiatives will be developed that will help promote full domestication of the Pact and all protocols.

Background

3. On 19-20 April 2016, O/SESG-GL, ICGLR and UNDP convened, for the first time, the Conference on Strengthening Judicial Cooperation in the Great Lakes Region, bringing together high level Prosecution and Police Directors from the Great Lakes region to discuss opportunities and challenges to strengthening judicial cooperation among the member states. The delegates from the different countries made detailed presentations on their respective legal and procedural frameworks. The Conference was preceded by an initial meeting of Prosecutors from the DRC, Rwanda, Tanzania and Uganda held in Kinshasa, DRC on 13-14 March 2016. It provided the opportunity to share experiences, and offered a venue for confidence building among senior prosecutors and investigators. Both meetings were a direct follow up to the ICGLR

Ministers of Justice Conference held in Livingstone, Zambia on 25-26 August 2015 where the Ministers adopted the ICGLR Domestication Road Map 2015-2018 and confirmed the need to promote mutual legal assistance to combat transnational crimes and terrorism in the region.

4. On 14 June 2016, during the ICGLR Heads of State Summit held in Luanda, Angola, the Heads of State and Governments directed the Ministers of Justice to implement the Roadmap, to promote mutual legal cooperation to combat transnational crimes and terrorism, and to fast track the implementation of measures to strengthen judicial cooperation in areas of extradition of fugitives, accused persons and the mutual enforcement of justice.

5. The issue of judicial cooperation is, therefore, a primary focus for the Great Lakes region.

6. During the Conference on Strengthening Judicial Cooperation in GLR, the delegates recommended the creation of a Great Lakes Judicial Cooperation Network, similar to the networks found in other parts of the world. Such a Network, will assist in building trust and confidence among member states, ensure effective implementation of the regional commitments on judicial cooperation made by the Heads of State in the Pact, the Protocol on Judicial Cooperation and PSC Framework, and offer a practical tool, at the technical level, to ensure the specific and harmonized measures to promote judicial cooperation within the framework of the ICGLR Protocol on Judicial Cooperation can take place. The establishment of such a network will, most importantly, build confidence and assist in the fight against impunity for transnational crimes committed in the Great Lakes Region.

Objectives

7. The overall objective of the establishment of the GLJC Network is to contribute to the prevention and punishment of serious, trans-border, organized crimes that are committed in the Great Lakes region. The Network will provide a forum to facilitate effective and collaborative legal actions at the regional level, and in this way contribute to promoting accountability for crimes committed by criminal organizations and negative armed groups, including war crimes and crimes against humanity, illicit trafficking of weapons, drugs, illegal exploitation of natural resources, trafficking, and terrorism in the Great Lakes region. More specifically, the objectives of this proposal are as follows:

- Agree on Terms of Reference for a GLJC Network as well as an Action Plan ;
- Identify tools and develop a database to support judicial cooperation in the Region;
- Identify what Public/State/Military Prosecutors' Offices need to effectively prosecute and investigate serious, trans-border crime;
- Promote, as appropriate, financial and/or technical assistance on specific cases upcoming or underway that involve serious, trans-border crime.
- Promoting the Mutual Legal Assistance among ICGLR Members State for combating transnational crimes and terrorism;
- Identify the challenges, obstacles and difficulties confronting the legal collaboration between ICGLR Member States and the full implementation of the Protocol on Judicial Cooperation;
- Improve communication and information sharing on judicial matters in the Great lakes region

Expected Outcomes

8. Broadly, the project will:

- Promote practical implementation of the ICGLR Protocol on Judicial Cooperation and reinforce a common region of justice where national law enforcers and judiciaries trust each other and work together;
- Increase mutual trust;
- Hamper the ability of criminal organizations and negative armed forces to escape accountability by crossing borders;
- Increase citizens' confidence in the fairness of the proceedings and the protection of their rights if they are involved in court proceedings in a neighboring country;
- Increase defendants' confidence in the fairness of proceedings if their case involves another neighboring country;
- Promote the harmonization of laws in the ICGLR countries.

9. The specific outcomes of the project include:

- Creation of the GLJC Network which will include:
 - i. Agreement on Terms of Reference
- Agree on an action plan that will provide for;

- i. Identification of a coordinator of the Platform (part or full time) and identification of funds for such a position
 - ii. Creation of tools and a database to facilitate judicial cooperation among the countries of the Great Lakes region.
 - iii. Identification of areas for further capacity building initiatives in the area of cooperation in prosecutions and investigations of serious, trans-border crime;
 - iv. Ways to ensure domestication of the ICGLR Protocol on Judicial Cooperation
- Practical implementation of ICGLR Protocol on Judicial Cooperation in national legal procedures.

Format

10. A two day technical meeting of the most senior members of the Public/State/Military Prosecutors' Office to discuss and come to an agreement on the Terms of Reference, composition and action plan for the GLJC Network.

11. The report from the Conference, including Terms of Reference for the Network and Plan of Action will be presented to the Ministers of Justice at their next meeting.

Venue and Timing

12. It is proposed that the two day technical meeting takes place on 10-11 November 2016 in Nairobi, Kenya.

Participants to the Meeting

13. The meeting will be comprised of the Director of Public/Military Prosecutors office. Ideally, these will be the senior Prosecutor who attended the 19-20 April Conference in Nairobi (13). Partners will include: O/SESG-GL (2), ICGLR Secretariat (2), UNDP (1) , UNODC (1) and other partners such as: (GiZ, IBA, Association of Prosecutors, European Judicial Cooperation Network, Sahel Judicial Cooperation Platform etc.).

Abd Almageded Awad Eisa
ICGLR Legal Advisor

Madeleine Schwarz
O/SESG-GL, Human Rights/Justice Advisor