

Strengthening Judicial Cooperation in the Great Lakes Region

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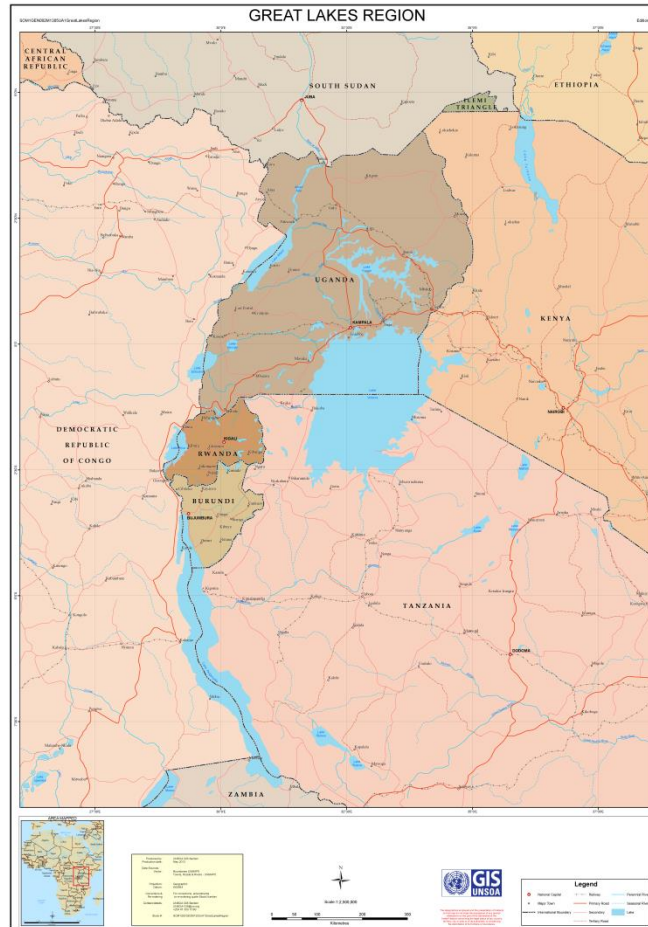
UN-OSSEG/GL

Nairobi, 19 April 2016

▶ “The end of the [Rwanda] genocide [...]was the opening of an entirely new chapter, almost as appalling as the first, but enveloping the entire Great Lakes Region in brutal conflict before becoming a war that has directly or indirectly involved governments and armies from every part of the continent.”

- *Rwanda: The Preventable Genocide,*
- *International Panel of Eminent Persons*
 - *(appointed by OAU), para. 20.1*

The Great Lakes region




International Conference on the Great Lakes region

▶ Member states:

- ▶ Angola
- ▶ Burundi
- ▶ Central African Republic
- ▶ DRC
- ▶ Kenya
- ▶ Republic of Congo
- ▶ Rwanda
- ▶ Tanzania
- ▶ South Sudan
- ▶ Sudan
- ▶ Uganda
- ▶ Zambia

PSC Framework

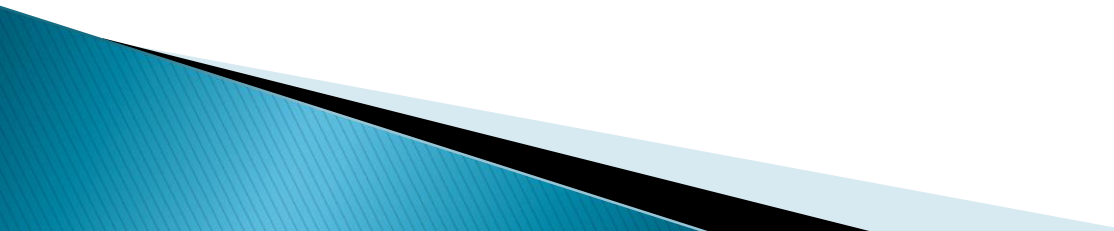
- ▶ PSC Framework signed in February 2013 by 11 Heads of State of the Great Lakes region;
 - ▶ Kenya and Sudan signed in Jan 2014 to make 13 signatories;
 - ▶ The PSC Framework reinforces the ICGLR Pact on Peace, Security and Development signed by the Heads of State in 2006;
 - ▶ Both set out commitments for the Governments of the region that can lead to long-term peace, stability and prosperity for all.
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Peace, Security and Cooperation Framework (PSCF)

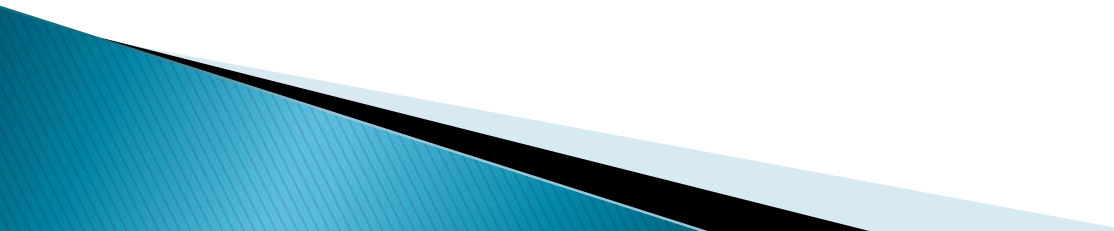
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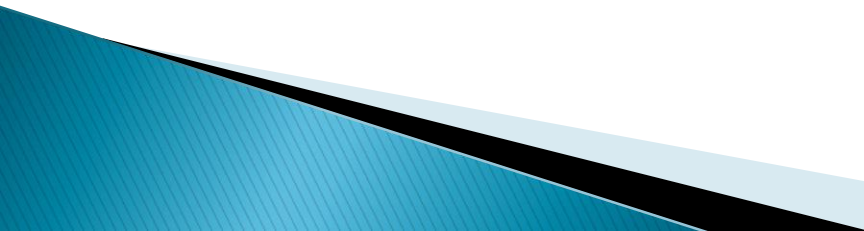
Peace Security and Cooperation Framework (PSCF)

- ▶ Guarantors
 - ▶ United Nations
 - ▶ African Union
 - ▶ International Conference on the Great Lakes Region
 - ▶ Southern African Development Commission
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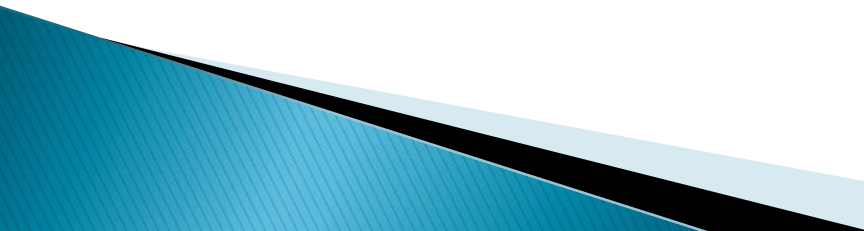
Commitments – For the DRC

- Deepen security sector reform
 - Consolidate state authority, particularly in Eastern DRC
 - Make progress in decentralization
 - Further economic development
 - Further structural reform of Government institutions
 - Further reconciliation, tolerance and democratization
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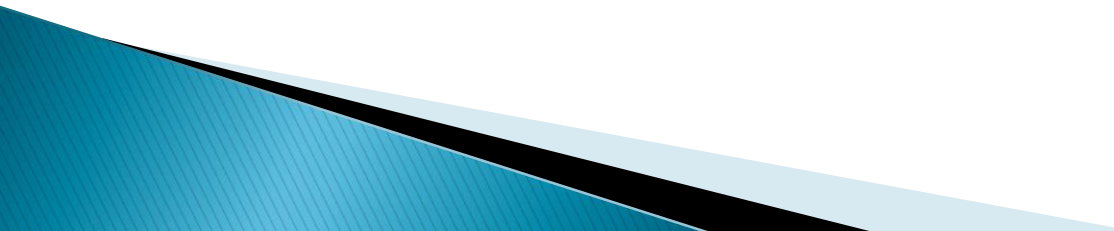
For the International Community

- ▶ Security Council to remain engaged in seeking long-term stability for the DRC
 - ▶ Renewed commitment by bilateral partners to remain engaged with the region
 - ▶ Renewed commitment to support the Economic Community of the Great Lakes Countries (CEPGL) and economic integration
 - ▶ To review the UN Stabilization Mission in the DRC (MONUSCO)
 - ▶ To appoint a UN Special Envoy to foster durable solutions
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Commitments – For the Region

- ▶ Not to interfere in the internal affairs of neighbouring countries
 - ▶ To neither tolerate nor provide assistance or support of any kind to armed groups
 - ▶ To respect the sovereignty and territorial integrity of neighbouring countries
 - ▶ To strengthen regional cooperation, including economic integration with special consideration for the exploitation of natural resources
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Commitments – For the Region – Impunity and Justice

- ▶ To neither harbor nor provide protection of any kind to persons accused of war crimes, crimes against humanity, genocide, aggression or persons falling under the UN sanctions regime
 - ▶ To facilitate the administration of justice through judicial cooperation within the region
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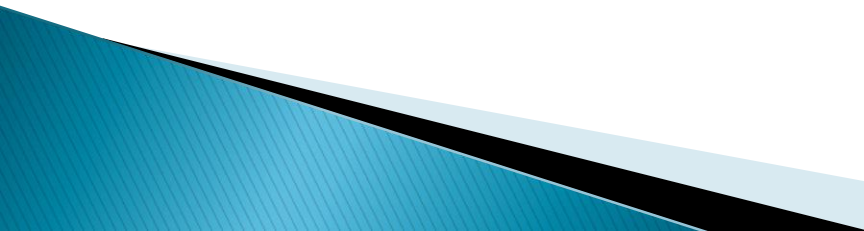
Regional Efforts to strengthen judicial cooperation

- ▶ ICGLR/GiZ meetings on the implementation of ICGLR Protocols
- ▶ Establishment of the ICGLR Regional Training Facility on Sexual and Gender-Based Violence in 2014
- ▶ SESG Roadmap for the Implementation of the PSC Framework – Priority 8
- ▶ ICGLR Declaration of the Ministers of Justice, 25–26 August 2015, Livingstone, Zambia
- ▶ UNCT Great Lakes Regional Strategic Framework (2016 – 2017)
- ▶ Workshop in Kinshasa, 15–16 March 2016 (DRC, Rwanda, Tanzania and Uganda)

SESG Roadmap

- ▶ Facilitate regional initiatives to fight impunity, improve accountability and advance regional judicial cooperation to strengthen rule of law
 - Conduct regular advocacy
 - Support regional strategies that can overcome obstacles to judicial cooperation and build trust
 - ICGLR Regional Training Facility on SGBV – Gender Access to Justice Symposium
 - Supporting conferences/workshops (Kinshasa, March 2016; Nairobi, April 2016)

ICGLR Declaration of Ministers of Justice, August 2015

- ▶ Undertake to speed up the domestication process of the ICGLR Protocols, including Protocol on Judicial Cooperation
 - ▶ Provide the ICGLR Secretariat half yearly reports on the progress made at national levels on domestication
 - ▶ Submit half-yearly reports to the ICGLR Secretariat on measure put in place to strengthen judicial cooperation specifically in the area of extradition of fugitives or accused persons and mutual enforcement of justice
 - ▶ Promote mutual legal assistance in order to combat transnational crimes, specifically terrorism in the Great Lakes Region
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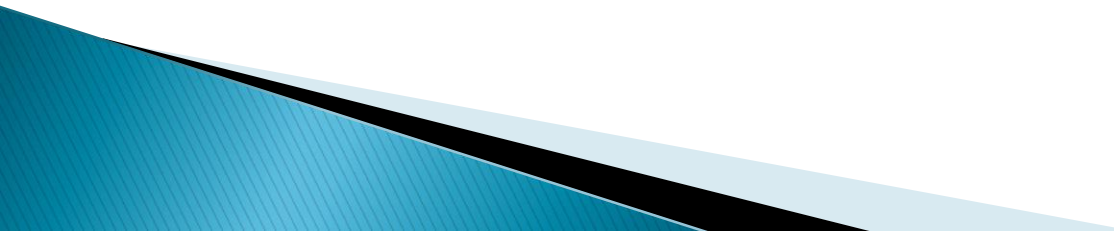
Workshops on judicial cooperation

- ▶ Aim to develop an operational and practical approach to regional judicial cooperation in the Great Lakes
 - ▶ ICTJ and MONUSCO led workshop on judicial cooperation among DRC, Rwanda, Tanzania and Uganda, Kinshasa, March 2016
 - ▶ Today's Conference convened by the ICGLR and supported by the OSESG and bringing together the ICGLR Member States
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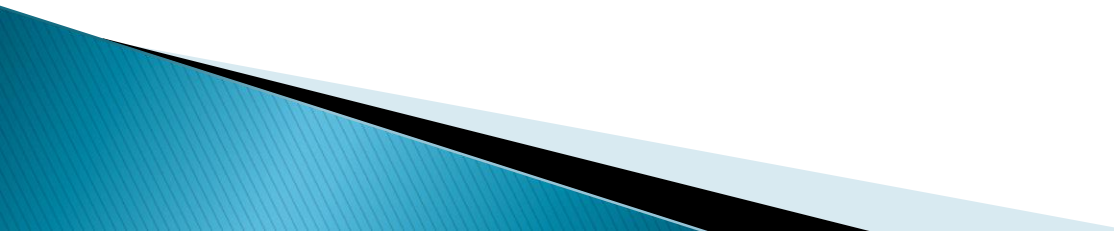
Opportune time – A few specific cases of regional cooperation

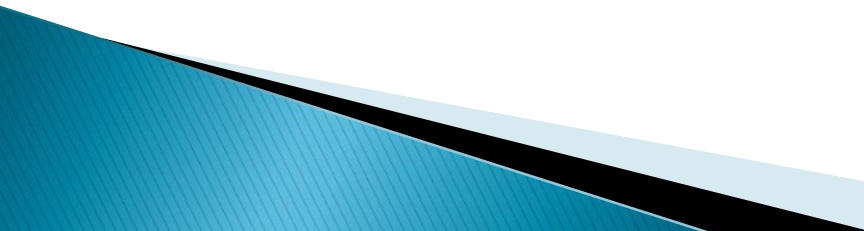
- ▶ Extradition of Jamal Mukulu (DRC, Tanzania and Uganda) – July 2015
 - ▶ Transfer of Ladislas Ntaganzwa (DRC, Rwanda and the Mechanism for International Criminal Tribunals) – April 2016
 - ▶ Arrest of Major Barrack Anan, leader of FDLR (DRC and Uganda) – April 2016
 - ▶ Arrest and extradition of August Nkundabazungu, alleged Genocide fugitive, (Uganda, Rwanda) – August 2010
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Identification of some technical challenges

- ▶ Knowledge and understanding of the legal framework operating in the different countries of the region
 - ▶ Implementation into domestic legislation of the ICGLR Protocol on Judicial Cooperation
 - ▶ Contacts of individuals/positions in each country responsible for judicial cooperation
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Possible next steps

- ▶ Compile in a guidebook the legal requirements in each country regarding judicial cooperation
 - ▶ Create a network/working group of those responsible for judicial cooperation in each country
 - ▶ During this meeting, recommend specific measures to strengthen judicial cooperation in the area of extradition of fugitives or accused persons
 - ▶ Organize network meetings on a regular basis to discuss and make recommendations to overcome challenges
 - ▶ Organize the next Ministers of Justice meeting to follow up on recommendations made regarding judicial cooperation
 - ▶ Present report from this Conference to Ministers of Justice at next meeting
 - ▶ Identify a focal point to create a database of cases relating to judicial cooperation in the Great Lakes Region
 - ▶ Pilot a joint investigations commission as set out in the ICGLR Protocol?
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- ▶ *Some possible recommendations*
- ▶
- ▶ *Identify from each country one focal point who can participate in a Great Lakes Judicial Cooperation Network*
- ▶ *The Network, with ICGLR Lusaka Centre, could compile the presentations made at this Conference into one document/booklet. This will provide each country with up-to-date information on the legal framework and procedural requirements in each country.*
- ▶ *Terms of reference can be drafted for the Network and the Focal points – forum for information sharing and lessons learned*
- ▶ *Yearly evaluation of the implementation of the Protocol*
- ▶ *Pilot a joint investigation commission under the ICGLR Protocol*
- ▶ *Use the ICGLR Protocol as a grounds for extradition request or a request for mutual legal assistance*