



EXECUTIVE SECRETARIAT
INTERNATIONAL CONFERENCE ON
THE GREAT LAKES REGION



OFFICE OF THE SPECIAL ENVOY OF THE
SECRETARY-GENERAL FOR THE
GREAT LAKES REGION



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4TH MEETING OF THE GREAT LAKES JUDICIAL COOPERATION NETWORK, 4 – 5 APRIL 2019, BRAZZAVILLE, REPUBLIC OF CONGO

Overview

On 4 – 5 April 2019 in Brazzaville, the Republic of Congo, the Secretariat of the International Conference of the Great Lakes Region (ICGLR), with the support of the Office of the Special Envoy of the United Nations Secretary General for the Great Lakes Region (O/SESG-GL) and the United Nations Office on Drugs and Crime (UNODC) held the fourth meeting of the Great Lakes Judicial Cooperation Network (GLJCN). Since its establishment, the GLJCN has held three meetings, which have further consolidated the role of the focal points for judicial cooperation and identified concrete actions and way forward, including addressing specific cases for cross-border judicial cooperation. The 4th meeting of the GLJCN focused on cases related to the illicit trade of natural resources and their impact on peace and security. The Minister of Justice, human rights and in charge of the promotion of indigenous people of the Republic of Congo, Mr Aime Ange Wilfrid Bininga, opened the event.

The meeting was held under “Chatham House Rule” and therefore the report summarizes the main outcome without going into detail of the specific cases discussed. This outcome document was adopted in plenary by the focal points representing 11 ICGLR countries.

Main objectives:

- Encourage good regional practices and clearly identify what the network could do to support cooperation between authorities and to enhance the prosecution of cases related to the illegal management and trade of natural resources;
- Assess progress made in addressing concrete trans-border judicial cases identified by the focal points of the network and agree on steps forward to address possible remaining challenges, with a particular focus on illegal management and trade of natural resources;
- Accelerate the streamlining of the domestication and implementation of international legal tools (UN Convention on Transnational Organized Crime) and regional legal tools (ICGLR Protocol on Judicial Cooperation and related model legislation);



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- Draw lessons from and join forces with mechanisms dealing with the same kind of crimes addressed by the GLJCN, including the Special Criminal Court for the Central African Republic (CAR).

Main discussions:

- Focal points presented progress made in prosecuting cases identified at the previous meetings with a focus on causes for the case to be stalled and the specific actions needed to unblock it;
- Given the nature of the work undertaken, some countries decided to gather in closed-door sessions to discuss cases (Kenya-Tanzania-Zambia, Angola-Burundi and South Sudan-CAR Special Criminal Court);
- The Chief of the Investigating Chamber of the CAR Special Criminal Court provided an overview of the operationalization status of CAR Special Criminal Court, including on cases that the court has started addressing, focusing on challenges these cases present and possible ways of overcoming them;
- A representative of the UN Standing Police Capacity (SPC) showcased examples of how UN entities have worked with national authorities in enhancing the capacity of national authorities in investigating serious crimes;
- In regard to capacity building, participants worked on a fictitious case of trafficking in natural resources and wrote a mutual legal assistance (MLA) request using the UNODC MLA Request Writer Tool. Several other UNODC tools for international cooperation in criminal matters such as the SHERLOC platform (sherloc.undoc.org) and the MLA hotline unodc-mla.facilitators@un.org were also presented to the participants.

Conclusions

- The meeting stressed the importance to encourage good regional practices, including informal judicial cooperation complementary to formal channels. It identified what the network could do to support cooperation between the central authorities to facilitate the prosecution of cases related to the illegal management and trade of natural resources;
- In particular, the need to join forces with other judicial mechanisms such as the Special Criminal Court for the Central African Republic was highlighted;
- Countries also indicated the need to streamline the domestication and implementation of international legal instruments (UN Convention on Transnational Organized Crime) and



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regional legal tools (ICGLR Protocol on Judicial Cooperation and related model legislation);

- Members of the network committed to strengthen cooperation and work towards the implementation of the recommendations made, with a particular focus on those aiming at harmonizing legislation and addressing the protracted cases.

Recommendations

For focal points

- Create opportunities to share the outcomes of the GLJCN meetings within the wider criminal justice practitioner community to raise the profile of the network and encourage collaboration with its focal points;
- Initiate capacity building initiatives for new generations of prosecutors/judges, mainly on the regional and international tools for judicial cooperation, to ensure sustainability of the knowledge consolidated through the network;
- Organize sensitization campaigns at country level, including on the legal consequences of supporting criminal networks and on trafficking in natural resources, in order to deter further criminal activity;
- Continue reporting on the progress/results of cases discussed at each meeting and on the efforts to promote and inform the respective national authorities about the network.

Operationalizing the Network

- Develop an action plan to track progress of the GLJCN recommendations and the way they are implemented to consolidate the methodology of the network; it is suggested that the Chair countries (outgoing and incoming) take responsibility for monitoring this aspect;
- Facilitate efficient exchange of information within the network, not only through formal channels but also through informal ones, established through the network's focal points and backed by hierarchical and political support;
- Ensure discussions on emblematic cases, best practices, addressing challenges and proposed solutions on cross-border crime, take place not only during network meetings, but also through ad-hoc initiatives of focus groups when focal points identify such need;
- Consider sharing experiences with and/or inviting to the next GLJCN meetings similar judicial cooperation networks, for instance the West African Network of Central Authorities and Prosecutors (WACAP) or the European Judicial Network (EJN).



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Supporting the Network

- UNODC to further develop the already established website for the Great Lakes Judicial Cooperation Network and train focal points on how to find tools and legislation on judicial cooperation (use of UNODC tools such as the MLA Request Writer tool, the SHERLOC platform, etc.);
- UNODC and ICGLR to assist countries in aligning with and domesticating international and regional instruments, including the ICGLR Protocols;
- Consolidate further the partnership with a range of entities dealing with the Rule of Law and Justice initiatives, including the United Nations Office of Rule of Law and Security Institutions (OROLSI/DPO) and its Standing Police Capacity (SPC) capacity, and identify opportunities for engagement of such entities on specific matters/areas of expertise.

Challenges

- Collecting evidence across borders and more generally international cooperation in criminal matters, e.g. through mutual legal assistance requests, is costly and very slow in delivering results;
- The need to translate requests and documents in foreign languages remains a challenge for most countries;
- The knowledge of criminal justice practitioners on international cooperation in criminal matters differs among countries (legislation, tools, practices etc.) and limits the good cooperation;
- Lack of political will impedes progress on specific cases (cases involving security forces, senior Government officials etc.).

Opportunities

- Specific ad-hoc initiatives, as required by certain members of the network, can be used as opportunities to address specific concerns that may require immediate judicial cooperation; such initiatives can be convened also in between the regular network meetings by selected countries;
- From 13 to 15 May 2019, the ICGLR with the support of the UN is convening a high-level consultation of Ministers of Justice of the ICGLR countries. The initiative will assess progress in implementing the regional commitments on justice, impunity and human rights,



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including those of the Peace, Security and Cooperation Framework for the DRC and the region. A session of the consultation will focus on informing on the key role that the GLJCN plays in addressing cross-border crime and on having its TORs and objectives endorsed at the highest political level.

Participants

Senior representatives from Directors of Public Prosecution offices of Angola, Burundi, Central African Republic, Democratic Republic of Congo, Republic of Congo, Kenya, Rwanda, South Sudan, Tanzania, Uganda, and Zambia. 30% of the participants were senior women prosecutors.

Next meeting

It is recommended that Angola hosts the 5th meeting of the GLJCN which will focus on the theme “Corruption”.