



The Judicial Cooperation Network of Central Authorities and Prosecutors from the Great Lakes Region of Africa (GLJC Network)

Terms of Reference

11 November 2016

Introduction

On 15 December 2006, the Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR)¹ signed the Pact on Security, Stability and Development for the Great Lakes Region (ICGLR Pact) and 10 Protocols including the protocol on Judicial Cooperation. Additionally, on 24 February 2013, the Heads of State and Government of the 12 ICGLR Member States, along with South Africa, renewed their commitment to work together for peace and security in the Great Lakes region by signing the Peace, Security and Cooperation Framework for the DRC and the region (PSC Framework). These agreements create an important framework for long-term peace and security in the Great Lakes region of Africa. Together they offer the opportunity to foster dialogue and collaboration at all levels to address

¹ Angola, Burundi, Central African Republic, Democratic Republic of the Congo, Kenya, Republic of Congo, Rwanda, South Sudan, Sudan, Tanzania, Uganda and Zambia.

key issues that are drivers and consequences of the cycles of violence that have plagued the region for years.

The fight against impunity for conflict-related crime, including sexual and gender-based violence, transnational organized crime, illicit trafficking, smuggling the natural resources and terrorism, is critical to ending the cycles of violence in the Great Lakes region. At the same time, formal and informal cross-border cooperation in criminal matters is crucial to address these types of crimes and end impunity.

Commitments 6 and 7 of the PSC Framework call on the Heads of State to neither harbour nor provide protection to individuals accused of committing genocide, war crimes, crimes against humanity or under sanctions, and to facilitate the administration of justice through regional judicial cooperation. These commitments reinforce the ICGLR Pact, and key ICGLR protocols relating to judicial matters, including the Protocol on Judicial Cooperation.

The proposed Great Lakes Judicial Cooperation Network (GLJC Network) of Central Legal Authorities and Prosecutors is a regional cooperation tool for criminal matters for the use of judicial actors from the 12 ICGLR Member States, and other countries in the region. Regional cooperation in criminal matters, by formal and informal means, is needed if the countries of the region are to deal effectively with the broad array of crimes which take place in one country, but have significant cross-border and regional effect. Central legal authorities and prosecution services are the key actors in this endeavour, as they are responsible for receiving, executing, and transmitting requests for mutual legal assistance, extradition and confiscation of assets.² For them

² Article 18 of the United Nations Convention against Transnational Organized Crime (UNTOC) requires that States Parties designate a central authority that shall have the responsibility and power to receive

to effectively fulfil their functions, it is important that they can easily engage with their counterparts in formal and informal cooperation.

The proposed GLJC Network will allow countries to fulfil their commitments under the ICGLR Pact and Protocols on Non-aggression, Judicial Cooperation, Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and other Protocols relating to criminal matters. It will also further their commitments under the PSC Framework. The establishment of the Network It is a follow-up to the decision of the 5th ordinary Summit of the Heads of State and Government held in Luanda, Angola on 15 January 2014, and the commitments made by the Ministers of Justice of the ICGLR countries to put measures in place to strengthen judicial cooperation, specifically in the area of extradition of fugitives or accused persons, and to promote mutual legal assistance in order to combat transnational crimes, specifically in terrorism in the Great Lakes region (paragraphs 7 and 8 of the Declaration of the Ministers of Justice, Livingstone, Zambia, 25 – 26 August 2015).

The aim of the GLJC Network is to facilitate regional cooperation in criminal matters by formal and informal means. It will provide a forum to assist central authorities, prosecutors and others in the judicial chain to develop contacts with counterparts in countries with which they are cooperating, or may be called upon to cooperate with in the future. Through regular meetings and training programmes, the GLJC Network will also enable central legal authorities and relevant practitioners to

requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Furthermore, States Parties shall notify the Secretary-General of the United Nations of their designated central authority at the time of the deposit of their instrument of ratification, acceptance or approval of or accession to this Convention. Several other regional and international instruments include a similar provision.

share information about their respective legal systems and procedures, develop common language and share good practices.

The GLJC Network will collaborate and deliberate with other regional judicial cooperation networks such as the European Judicial Network (EJN), the Ibero-American Association of Public Prosecutors (IberRed), the West African Network of Central Authorities and Prosecutors against Organized Crime (WACAP), and the Regional Judicial Platform of the Sahel Countries (Sahel Judicial Platform), among others. Regional networks that support judicial cooperation can offer many benefits. They enable face-to-face interactions that build trust and confidence between officials and provide a forum for officials to better understand legal and procedural requirements in neighbouring countries. When effective, they help strengthen confidence in the national justice institutions.

Article 1 – Establishment of the Network

The Judicial Cooperation Network will be made up of the Central Authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international cooperation (hereafter: “Central Authorities and Prosecutors”. from the Great Lakes region of Africa, hereinafter referred to as “the Great Lakes Judicial Cooperation Network” or “the GLJC Network”).

Article 2 – Objectives of the Network

1. The objectives of the GLJC Network are to promote and facilitate judicial cooperation in the region in order to fight all forms of cross border crime and impunity.
2. In the short term, this will be achieved by:
 - a. Creating a forum for the exchange of informal and formal information between Central Authorities, Prosecutors and Judicial Authorities;
 - b. Providing the necessary legal, judicial and administrative information to Central Authorities and Prosecutors to help them manage regional and international cooperation processes and resolve any related obstacles;
 - c. Promoting the incorporation into domestic legislation and the application of all ICGLR Protocols, and in particular the Protocol on Judicial Cooperation and other Protocols relating to criminal matters.
 - d. Promoting the ratification, incorporation and application as required into domestic legislation of the United Nations Convention against Transnational Organized Crime (UNTOC) and its supplementary protocols;
 - e. Promoting a better understanding among participants of the application of regional and international legal instruments pertaining to organized crime and judicial cooperation in criminal matters by involved actors;

- f. Enabling relevant practitioners to deepen their knowledge of the ways to deal with various legal systems (common law and civil law) as far as international judicial cooperation in criminal matters is concerned;
- g. Developing and disseminating tools as appropriate;
- h. Providing a forum for experience and information sharing and development of lessons learned among Member States;
- i. Maintaining and disseminating an updated list of focal points for international cooperation;
- j. Facilitating contacts between members of the GLJC Network and other regional networks.

3. In the long term, the GLJC Network will aim at strengthening judicial institutions by:

- a. Fostering of the expertise Central Authorities, Prosecutors and Judicial Authorities in organized and cross-border crime in its various forms, as well as their knowledge of relevant investigative and prosecutorial approaches and procedures through training and professional exchanges, in cooperation with national and regional training institutes and other actors, where possible and appropriate;

- b. Supporting cooperation among member of the GLJC Network, including joint investigations of specific cases, as required;
- c. Supporting the establishment and strengthening of specialized units and/or courts to investigate, prosecute and adjudicate different forms of transnational crime.

Article 3 – Designation of Focal Persons

Each member of the GLJC Network shall nominate at least two officials to serve as Focal Persons, taking into account its own legal frameworks and internal structures. The Focal Persons may be (i) the representative of the Director of Public Prosecutions; (ii) the representative of the Director of Military Prosecution Services; (iii) the representative of the designated Central Authority responsible for receiving and issuing requests for mutual legal assistance

It is the responsibility of each member of the GLJC Network to provide the details of the Focal Persons to the Coordinator of the GLJC Network and to the other member countries.

Representatives from countries not members of the GLJC Network may be invited to participate as observers if their participation would benefit the members of the GLJC Network and they so agree.

Article 4 – Functions of the Focal Persons

1. The Focal Persons shall seek, to the extent permitted by their domestic laws, to facilitate international and regional cooperation in criminal matters between States participating in the GLJC

Network. They are responsible for providing legal, judicial and administrative information to prosecution agencies, other competent authorities and other relevant officials or agencies in their own and in other jurisdictions.

2. The Focal Persons shall enable the most appropriate direct contact between prosecution agencies, other competent authorities and Focal Persons in GLJC Network countries. They shall coordinate action in their jurisdictions when receiving a series of requests from another country. They may travel, if necessary, to meet other Focal Persons, on the basis of an agreement between their respective Governments.
3. Focal Persons shall inform members of the GLJC Network, through the Network Coordinator, of information regarding judicial cooperation, procedure, legislation and any changes thereto in legislation or procedure introduced in their respective countries. They will also inform on cases involving judicial cooperation, as appropriate.
4. The appointing authority and the Focal Persons shall notify the Network Coordinator should they cease to be the Focal Person for this Network.

Article 5 – Meetings

1. The Network shall endeavor to have at least two meetings per year in order to review its previous activities and to identify future priorities and strategies relating to the fight against organized and cross-border crime and international and regional cooperation, or for any other reason that might arise.
2. On the basis of priorities set by the Network, trainings and activities shall be organized by the Network members, or in

coordination with other organizations and regional and international partners.

Article 6 – The Network Chair

Members of the GLJC Network will appoint a Chair and Vice Chair of the GLJC Network, coming from two member countries, on a rotational basis, for a period of one year. The Chair will work closely with the Network Coordinator in the organization of Network meetings. The Vice Chair will succeed the Chair, and a new Vice Chair will be appointed yearly.

Article 7 – the functions of the Network Coordinator

The ICGLR and partners in the United Nations Strategic Framework for the Great Lakes Region, the Office of the United Nations Special Envoy of the Secretary-General for the Great Lakes Region (O/SESG-GL), the United Nations Development Program (UNDP), and the United Nations Office on Drugs and Crime (UNODC), as appropriate, will mobilize resources to fund and hire the Network Coordinator to manage a Coordination Office for the GLJC Network and to retain staff with appropriate expertise to act as Network Coordinator. The Network Coordinator shall carry out activities in support of the GLJC Network, as follows:

- a. Creating and maintaining an up-to-date list of Contact Persons;
- b. Facilitating and organizing meetings of the GLJC Network;
- c. Disseminating information about the GLJC Network and its activities among Contact Persons as well as other interested stakeholders;

- d. Organizing other activities as agreed by the GLJC Network;
- e. Representing the GLJC Network at meetings;
- f. Creating and maintaining an up-to-date web page concerning the activities of the GLJC Network and publishing a newsletter periodically;
- g. Fundraising for the GLJC Network's activities;
- h. Make information on legislation, procedures and focal points available to the member countries, preferably through the web page; and
- i. Any other functions as may be assigned

Article 8 – Relations with other networks and organizations

1. For the purpose of achieving its objectives, the GLJC Network will establish mechanisms needed to encourage contact, exchange experiences and complement activities of other regional entities working in the field of international cooperation.
2. Regional and international organizations whose work is relevant to the prevention and fight against illicit trafficking and organized and cross-border crime may attend GLJC Network meetings and participate in initiatives that contribute to strengthening and achieving the objectives of the GLJC Network.

Article 9 – Endorsement by the Ministers of Justice

General Prosecutors and Representatives of the Directors of Public Prosecution, attending the Meeting to Establish the GLJC Network, held in Nairobi, Kenya on 10 – 11 November 2016, have agreed on these Terms of Reference for the GLJC Network and will work together to make it operational. They recommend that the Ministers of Justice of the ICGLR Member States at their next conference acknowledge the Terms of Reference for the GLJC Network and its objectives and its centrality to judicial cooperation in the Great Lakes region.

These Principles and Rules are intended as guidance and may be amended as required.
