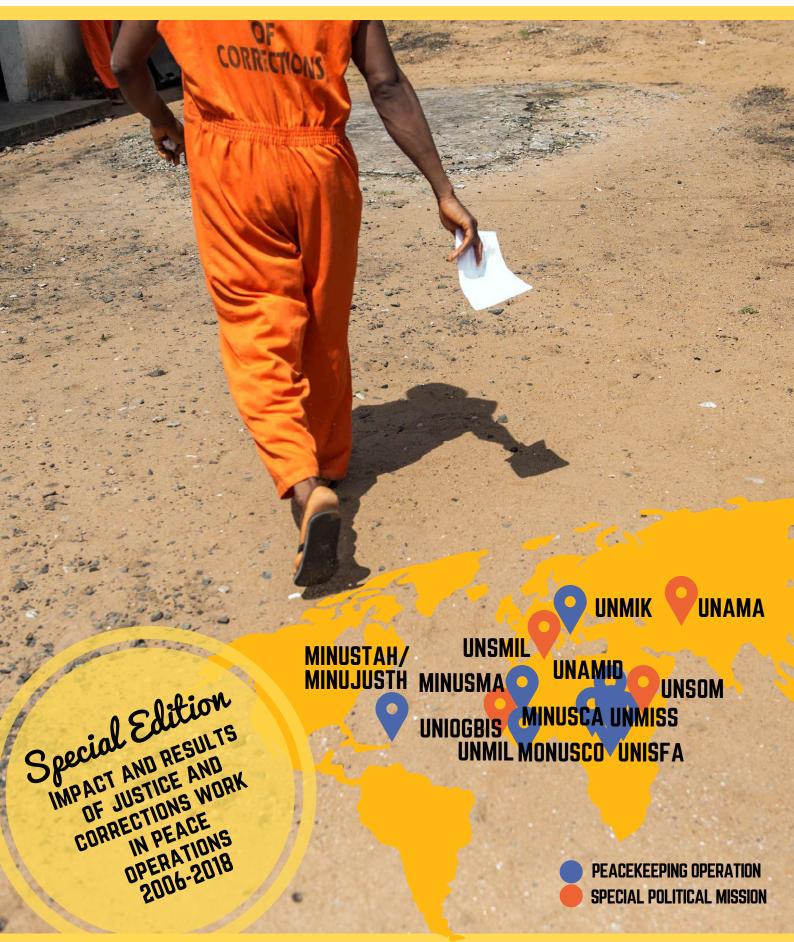
# JUSTICE AND CORRECTIONS UPDATE





ISSUE 6 / JUNE 2018



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## JUSTICE AND CORRECTIONS SERVICE

This Update has been produced by the Justice and Corrections Service (JCS – formerly known as the Criminal Law and Judicial Advisory Service). JCS is part of the Office of Rule of Law and Security Institutions (OROLSI) within the United Nations Department of Peacekeeping Operations (DPKO).

JCS supports the work of justice and corrections components in United Nations peacekeeping operations and special political missions around the world. Together, we assist host countries to deliver essential justice and prison services, strengthen criminal justice systems and facilitate rule of law reforms. Justice and corrections interventions contribute to improving security, preventing conflict, protecting civilians, extending the authority of the State and promoting accountability for serious crimes that fuel conflict. By strengthening the rule of law, justice and corrections components in peace operations further the overall political objectives of the mission to bring about and sustain peace.

This special edition of the Justice and Corrections Update highlights the impact and achievements of justice and corrections components in United Nations peace operations. It is based on joint research by the JCS Policy and Training Cell and justice and corrections components in peace operations in 2017 and 2018.

### JUSTICE AND CORRECTIONS STANDING CAPACITY

The Justice and Corrections Standing Capacity (JCSC) is part of JCS, and is based at the United Nations Global Service Centre in Brindisi, Italy. JCSC is a small team of rapidly deployable justice and corrections experts, who assist justice and corrections components in peace operations (particularly during mission start-up, surge and transition phases).



### HEADS OF JUSTICE & CORRECTIONS COMPONENTS AND GROUP OF FRIENDS OF CORRECTIONS MEETINGS IN NEW

Seventeen heads of justice and corrections components from 10 UN peace operations held their biennial strategic meeting in New York from 7 to 11 May 2018. The meeting also served as a platform to engage with the Group of Friends of Corrections in Peace Operations, which met at the same time.

From the Central African Republic to Somalia, from Libya to Haiti, United Nations justice and corrections components work to help host nations address rule of law issues that contribute to improved security, stabilization and restoration of State authority.

Responding to the Secretary-General's vision on conflict prevention and peace sustainment, the participants engaged in different forums with Member States and United Nations leadership on the importance of adjusting rule of law engagement to changing situations on the ground and fast-moving reform efforts in peace and security, peacebuilding and development. They resolved to strengthen partnerships across the United Nations system and stressed the critical role of the Global Focal Point arrangement for Police, Justice and Corrections.

In a joint session with the Group of Friends of Corrections, chaired by Ambassador Tiare of Burkina Faso, heads of components briefed Member States on the importance of helping host countries strengthen accountability for serious crimes and prison security. They held discussions with members of the Security Council on the impact of their work and challenges they face, including at a sideevent hosted by the Netherlands.

To close the week, Assistant Secretary-General for Strategic Coordination Fabrizio Hochschild led a meeting with the Sixth Committee of the General Assembly on the role of peace operations in strengthening the rule of law at the national level in Mali, South Sudan and Liberia. The rule of law is a key element of peacekeeping, one that we cannot dispense with," said Jean-Pierre Lacroix, Under-Secretary-General for Peacekeeping Operations. Ambassador Nyoni of Sweden also highlighted that sustaining peace and preventing conflict is at the core of what justice and corrections components do, as part of the justice chain.

#### FIND OUT MORE: #RoL4Peace

#### **HEADS OF JUSTICE AND CORRECTIONS** MEETING & GROUP OF FRIENDS OF CORRECTIONS

















- 1) Assistant Secretary-General for Rule of Law, Alexandre Zouev; Under-Secretary-General for Peacekeeping Operations, Jean-Pierre Lacroix; and Chief, Justice and Corrections Service, Robert Pulver in a briefing with the heads of components.
- 2) Patience Sai, Senior Corrections Officer, MONUSCO, briefing Member States on 9 May. Presentations were also delivered by MINUJUSTH, MINUSCA and UNAMID.
- 3) Jean-Pierre Lacroix, Under-Secretary-General for Peacekeeping Operations, and Irina Schoulgin Nyoni, Deputy Permanent Representative of Sweden to the UN, opening a reception following a briefing to Member States.
- 4) Yemdago Eric Tiare, Permanent Representative of Burkina Faso to the UN, opening the second day of the Annual Meeting of the Group of Friends of Corrections in Peace Operations.
  5) Nick Birnback, Chief DPKO Public Affairs Section, presenting on the role and
- importance of strategic communications. During the meeting, heads of components discussed several operational issues, including budgeting, human
- resources, and transitions.
  6) Informal briefing by heads of components to the Security Council chaired by the Netherlands.

7) Briefing by heads of components to the Sixth Committee of the General Assembly with opening remarks by Fabrizio Hochschild, Assistant Secretary-General for Strategic Coordination.

### **MINUSCA - CENTRAL AFRICAN REPUBLIC**

Mission established

Special Criminal Court established



Civilian international and national justice and corrections staff



Government-provided corrections personnel

### MANDATED PRIORITIES



SUPPORTING THE PROSECUTION OF SERIOUS CONFLICT-RELATED **CRIMES** 



SUPPORTING THE RESTORATION OF STATE AUTHORITY THROUGH THE **EXTENSION OF JUSTICE AND PRISON SERVICES** 



ASSISTANCE TO IMPROVE EFFICIENCY AND OVERSIGHT OF THE JUDICIARY



SUPPORTING THE IMPROVEMENT OF PRISON CONDITIONS, PRISON MANAGEMENT AND SECURITY

#### RULE OF LAW CONTEXT

A reigning climate of impunity in CAR for serious crimes under international law has been a major factor in fueling conflict since 2003. The lack of institutions capable of delivering effective law enforcement and the rule of law, exacerbated by widespread destruction following renewed cycles of conflict, has enabled armed groups and criminal gangs to consolidate influence through violence. In response, in the rule of law area, MINUSCA was mandated to support efforts to restore basic law and order, bring to justice those responsible for war crimes and crimes against humanity, and reinstate the national justice and corrections system as part of wider efforts to restore peace in CAR.

### KEY CONTRIBUTIONS AND IMPACT

- **Arrests of 550 individuals** under Urgent Temporary Measures mandate, leading to the prosecution of 167 perpetrators of war crimes.
- Establishment and operationalization of the CAR Special Criminal Court (SCC).
- Adoption of the Government emergency plan to reestablish the justice system outside Băngui.
- **Resumption of criminal trials** in Bouar and Bangui where no trials had been held since 2010.
- **Opening of legal aid clinics** in Bangui, Bossangoa and Bria and the adoption of a National Strategy on Legal Aid.
- Reopening of the École Nationale d'Administration et de la Maaistrature.
- **Provision of food, water and basic healthcare** in seven operational prisons throughout CAR.
- Training and recruitment of national civilian prison **personnel** in the framework of the demilitarization of prisons.
- Number of prison escapes, including of high-profile spoilers, declined from 61 incidents with 843 escapees in 2015 to 46 incidents with 132 escapees in 2017.

### KEY PARTNERS

- Joint Rule of Law Programme UNDP, UN Women and UNODC

- ASF, ABA, ILAC
  EU, US, France, Denmark, Sweden, Canada, the
  Netherlands, Japan, DRC, Senegal, Benin, Burkina Faso and other regional partners
- Support by a Reference Group of Member States in New York

## RAPID DEPLOYMENTS

Deployments of the Justice and Corrections Standing Capacity (JCSC) between 2014-2017

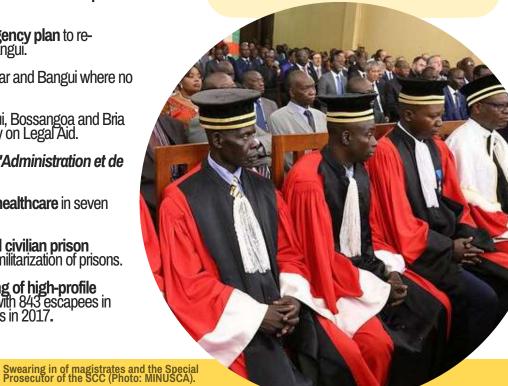
- The 2013 deployment led to the establishment of an operational component and defined urgent temporary measures (UTM) in the justice and corrections area.
- JCSC drafted enabling legislation/regulations for the SCC; established and temporarily led the SCC Support Section in JCS; and implemented SCC support projects.



- Established under national legislation with the assistance of MINUSCA and partners.
- 9 out of 11 national and international magistrates have been appointed by the President of the Republic and have started work; two international magistrates should deploy in the coming months.
- The Rules of Procedure and Evidence, a victim and witness protection strategy, a detention strategy and an outreach strategy have been adopted; a prosecution strategy is being developed by the Special Prosecutor.



- Deteriorating security situation due to armed groups
- Shortages in qualified national staff
- Financial constraints in the national budget



### MINUSMA - MALI

Mission established 2013

Agreement on Peace and Reconciliation 2015

Civilian international and national justice and corrections staff\*

Governmentprovided personnel

### MANDATED PRIORITIES



RESTORING AND EXTENDING RULE OF LAW, STATE AUTHORITY AND **JUSTICE SERVICES** 



**ENHANCING ACCOUNTABILITY FOR TERRORISM AND** TRANSNATIONAL ORGANIZED CRIME



STRENGTHENING NATIONAL STRATEGIES FOR JUSTICE REFORM



EXTENDING PRISON SERVICES AND IMPROVING PRISON CONDITIONS **AND SECURITY** 

#### RULE OF LAW CONTEXT

Weak governance structures and a justice system suffering from corruption and lack of impartiality have been key drivers of instability and conflict in Mali since independence. The rebellion of 2012, accompanied by the growing threat of terrorism, prevailing insecurity and increasing influence of organized criminal networks have had serious consequences for the functioning of the criminal justice chain, especially in north and central Mali. Following the crisis, courts and prisons in north Mali became targets of extremist and other armed groups, and the limited justice services were discontinued, further eroding the legitimacy of the State. All prison facilities in the north of Mali were destroyed and remain vulnerable to terrorist attacks and violent extremism. MINUSMA supports the implementation of the June 2015 Agreement on Peace and Reconciliation by helping extend essential criminal justice services and address crimes that risk destabilizing the peace and political process.

### KEY CONTRIBUTIONS AND IMPACT

- **Enhancing delivery of essential justice services** through the operationalization of 10 out of 14 tribunals despite the deteriorating security situation; opening of legal aid offices, and equipping law libraries in northern and central Mali.
- Facilitating national and community dialogue and institutional **cooperation** through consultation committees on the criminal justice chain.
- Establishment and operationalization of the Pôle Judiciaire Spécialisé en matière de lutte contre le terrorisme et la criminalité transnationale organisée (PJS).
- Elaboration and operationalization of the Government's emergency **programmes** on justice reform.
- Improving complementarity between the formal and informal justice systems in line with the Agreement on Peace and Reconciliation.
- Re-establishment of prison services in conflict-affected areas, through the operationalization of seven prisons, training 95 prison registrars and 143 prison guards.
- **Rehabilitation of two high-security wings** and training of 15 prison officers on addressing radicalism and violent extremism in Bamako Central Prison.
- Enhancing prison security and oversight through the implementation of laws and regulations and development of operational prison security plans.

### **KEY PARTNERS**

- Joint Rule of Law Programme
- UNDP, UNODC, UNMAS, CTED, UNICEF, UN Women, UNICRI
- EU/EUCAP Sahel, France, Germany, the Netherlands, Canada, USAID
- IDLO, ICRC

- Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2014, 2017 and 2018
- Operationalized the component; developed project/plans for reestablishment of the rule of law in the north of Mali
- Drafted projects in the area of prison security and supported programme implementation in the area of informal justice

## PÔLE JUDICIAIRE SPÉCIALISÉ

- Specialized national judicial unit to fight terrorism and transnational organized crime, created by law in May 2013 and established in January 2017.
- Prosecutors, investigative judges and clerks appointed and housed in renovated premises.
- 48 judicial police investigators appointed to the Specialised Investigation Brigade (BIS), which also forms part of the police component of the Joint Force of the G5 Sahel.
- Investigating over 300 cases with first conviction issued in January 2018, demonstrating the continuity from military detention to conviction.
- Four regional cells to be established in Mopti, Gao, Timbuktu and Segou...

### REMAINING CHALLENGES

- Insecurity remains a major threat to the presence of court and prison staff in the north, including through targeted attacks.
- Continuing delays in the implementation of the peace agreement.
- Accountability for attacks against UN personnel and facilities as well as affiliated international community. Challenges specific to the PJS, including improving
- criminal chain continuity.



### MINUSTAH/MINUJUSTH - HAITI

MINUSTAH established 2004

Shift from post-earthquake recovery to stabilization 2013

Projected withdrawal of peacekeeping presence

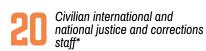
2019

2005

Rule of law assistance started

2017

MINUJUSTH established



Government-provided corrections personnel (GPP)\*

#### MANDATED PRIORITIES



STRENGTHENING INSTITUTIONAL AND LEGISLATIVE FRAMEWORKS AND OVERSIGHT



INCREASING EFFICIENCY OF THE JUDICIARY TO PROCESS CRIMINAL CASES



STRENGTHENING ACCESS TO JUSTICE



REDUCING ARBITRARY AND PROLONGED DETENTION



IMPROVING PRISON CONDITIONS, MANAGEMENT AND SECURITY

#### RULE OF LAW CONTEXT

Rule of law institutions in Haiti have long suffered from politicization and chronic absenteeism of key actors. The rule of law vacuum further with the 2010 earthquake, which resulted in the death of numerous justice officials, the loss and destruction of over 3,000 case files and damaged courts and prisons. In 2014, there was a backlog of over 8,000 cases and only 65 investigative judges, and the lack of criminal defence for indigents continues to prevent criminal cases from moving forward. Haiti has continuously suffered from chronic prison overcrowding; high rates of prolonged and illegal detention; unsafe, insecure and inhumane conditions; inadequate infrastructure, and underfunding, which has led to a high number of escapes. Moreover, outdated and inconsistent legislation and weak institutions have undermined the functioning of and public trust in rule of law institutions.

### **KEY CONTRIBUTIONS AND IMPACT**

- Enactment and amendment of key legislation, and establishment of key institutions and oversight mechanisms (e.g. School of Magistrates, Superior Council for the Judiciary, a vetting commission, and a judicial inspectorate).
- Resumption of court hearings in 18 jurisdictions, registering an 81% increase in the number of court hearings in three "model jurisdictions" between 2015 and 2017.
- **Rehabilitation of 107 tribunals**, equipping 44 peace tribunals, and establishment of computerized file processing after the earthquake.
- Opening of legal clinics and legal aid offices in violence-prone areas resulting in the processing of more than 25,000 case files and the release of over 15,000 people (including from unlawful detention) between 2012-2017.
- Operationalization of 17 out of 19 prisons, including three new prisons, resulting in improved detention conditions and reduced prison escapes.
- Increased professionalization of the Directorate of Prison Administration (DAP), including through improved recruitment, training and security procedures.



- · Joint Rule of Law Programme
- UNDP, UN Women, UNICEF, UNODC
- France, Canada, USAID, US Department of State (INL), EU, UNASUR
- ABA, ICRC, ILAC, OIF



### Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2014 and 2017-2018

- In 2014, JCSC filled the leadership gap of the corrections component and advanced the development of the DAP Strategic Plan.
- In 2017-2018, JCSC contributed to the operationalization of the corrections unit in the new Mission.





- In support of national priorities, the Mission continues its good offices to promulgate key legislation (including the criminal and criminal procedure codes, the legal aid law, and the new law on the HNP and prison administration), support for the model jurisdiction of Port-au-Prince, and the certification of Haitian prisons.
- MINUJUSTH is projected to draw down after a twoyear mandate based on a benchmarked exit strategy.





### **MONUSCO - DEMOCRATIC REPUBLIC OF THE CONGO**

Mission established 2010

Civilian international and national justice and corrections staff\*

Governmentprovided personnel (GPP)\*

### MANDATED PRIORITIES



**BRINGING PERPETRATORS OF SERIOUS CRIMES TO JUSTICE** 



STRENGTHENING THE NATIONAL STRATEGIC AND LEGISLATIVE **FRAMEWORK** 



**EXTENDING CIVILIAN JUSTICE AND PRISON SERVICES** 



REDUCING ARBITRARY AND PROLONGED DETENTION IN CONFLICT **AFFECTED AREAS** 



STRENGTHENING PRISON SECURITY AND MANAGEMENT OF HIGH-RISK PRISONERS IN EASTERN DRC AND KINSHASA

### RULE OF LAW CONTEXT

For years, the DRC, particularly in its eastern provinces, witnessed violent armed conflict during which atrocity crimes were committed on a large scale by personnel of the Forces Armées de la République Démocratique du Congo (FARDC), the Police Nationale Congolaise (PNC) and various armed groups. In 2010 judicial institutions - suffering from protracted war, corruption and fighting over the control of natural resources – had yet to be established and were not available to much of the population while the prison system was characterized by regular security incidents, mass escapes, overcrowding and inhumane

### KEY CONTRIBUTIONS AND IMPACT

- **Supporting military justice authorities** to investigate and prosecute atrocity crimes through Prosecution Support Cells.
- Adoption of key legislation on the Constitutional Court, the Court of Cassation, and the overall organization of the judiciary, as well as the law on the implementation of the Rome Statute of the International Criminal Court.
- **Supporting the reopening of 30 courts** and prosecutors' offices, with 20 buildings constructed or refurbished and another 29 equipped in eastern DRC.
- Supporting the reopening of 22 prison facilities, for a total of 74 operational prisons in eastern DRC.
- Facilitating the release or transfer to proper judicial authority of several thousand people, including women, children and elderly detainees, from illegal or prolonged detention.
- Substantially reducing the number of prison incidents and escapes.

### PROSECUTION SUPPORT CELLS

- A total of 800 case files have been processed with 1093 accused persons facing trial for serious crimes and more than 832 convictions, including of mid and senior-level military officials and armed groups leaders.
- The adjudication of landmark cases including: the 2017 conviction of Jules Becker, a FARDC colonel sentenced to 10 years' imprisonment for war crimes; the 2017 "Kavumu Trial" resulting in the conviction of 12 militia members for crimes against humanity, including rape and murder.
- Public confidence in the justice system has improved through mobile courts and increased access to justice for communities in remote areas.

### KEY PARTNERS

- OHCHR, UNDP, UN Women ABA, ASF, ICTJ, Trial International, Physicians for Human Rights
- EU, Canadian Cooperation, USAID and INL



- Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2013, 2014, 2015, 2016 and 2017
- Supported Prosecution Support Cells Programme:
- Temporarily headed component and spearheaded strategic reorientation following civilian staffing and strategic reviews
- Prepared prison security/intelligence plans for priority prisons

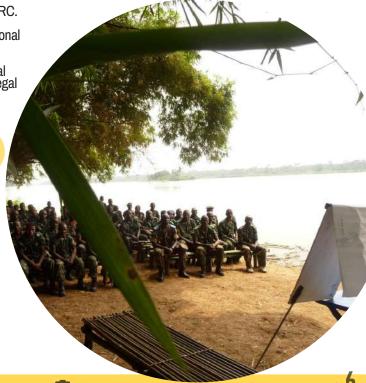


- Insufficient political will and the inability of national authorities to devote sufficient resources and expertise to the justice and corrections sector.

  Volatile security situation and political instability.

  Political instability has potential negative effects on the independence and impartiality of rule of law institutions,

- Escapees from recent armed attacks on prisons may be recruited into armed groups, leading to destabilizing crimes, further conflict and continuous illicit exploitation of natural resources.



### **UNAMA - AFGHANISTAN**

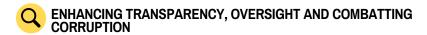
Mission established

Anti-Corruption Justice Centre established 2016



Civilian international and national rule of law personnel\*

#### MANDATED PRIORITIES







STRENGTHENING THE PRISON SYSTEM

#### RULE OF LAW CONTEXT

Conflict in Afghanistan has been fuelled by sectarian tensions, the involvement of regional and international players as well as corrupt and inefficient state institutions. In the rule of law sphere, attacks on justice personnel and infrastructure undermined the capacity of the system and hindered the prosecution and trial of national security and other serious cases. Corruption has continuously undermined public trust and confidence in State institutions, hindering the country's efforts to become self-reliant, prison system suffers from overcrowding and inhumane conditions, delays in judicial processes and the failure to use alternatives to imprisonment.

### KEY CONTRIBUTIONS AND IMPACT

Contributing to Government anti-corruption efforts in establishing an Anti-Corruption Justice Centre (ACJC) and in adopting a 'National Strategy for Combating Corruption', to be implemented at ministerial level.

Expert and political support for the promulgation key legislation. including an Advocates Law and Counter-Narcotics Law (2007), an Anti-Corruption Law (2018), a Terrorism Law (2008), the Criminal Procedure Code (2014), a Law on the Elimination of Violence against Women (2014), an Anti-Torture Law (2016), Asset Declaration Law (2017), and a new Penal Code (2018).

Supporting the administration of justice in conflict-affected areas with increasing deployments of courts and judges, including through Special Courts trying cases on violence against women in 16 provinces and specialized prosecution units within Attorney-General offices in 18 provinces.

Strengthening the prison system by facilitating the setting up of 28 prisons (including three women's prisons), rehabilitating 38 provincial prisons and establishing four juvenile rehabilitation centres.

Supporting the implementation of 117 operational directives for the management of Afghan prisons, which are in line with international rules and regulations.



### KEY PARTNERS

- UNDP, UNODC, UN Women
- EU/EUPOL, World Bank
- UK, Italy, USAID, CSSP/INL, GIZ
- International Legal Foundation, International Bar Association, USIP, IDLO, NRC, ICRC

### RAPID DEPLOYMENTS

Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2014 and 2018

- Temporarily led access to justice work
- Drafted 2018 Anti-Corruption Report
- Spearheaded monitoring of implementation of penal code

## ANTI-CORRUPTION JUSTICE CEN

The Anti-Corruption Justice Centre is a specialized court and dedicated team of prosecutors focusing on serious cases of corruption.

- By April 2018, the ACJC had completed 34 cases,
- resulting in 117 convictions.
  Of the 346 cases referred to the Centre, 113 are
- under investigation.

  34 cases are being tried in the first instance court, involving 142 accused persons.

  32 appeals have been completed by the Appeals
- Court, involving 98 accused. The Supreme Court has returned final verdicts in 21 cases.

### REMAINING CHALLENGES

Despite the progress to date, the continuing perception of systemic and rampant corruption in Government institutions, including the rule of law sector, combined with the worsening security situation, continues to erode public support for the Government as a whole and to embolden the Taliban.

A burgeoning illicit economy and lack of respect for the rule of law remain conflict drivers, hindering efforts to achieve sustainable peace and security.









Tadamichi Yamamoto, UN Secretary-General's Special Representative for Afghanistan and Romana Schweiger, JCSC staff member on assignment, launch of the 2017 Anti-Corruption Report (Photo: Fardin Waezi, UNAMA).

### UNAMID - DARFUR

2007 2008

2014

Rule of Law Unit commences operations

Civilian international and national justice and corrections staff\*

Governmentprovided personnel\*

### MANDATED PRIORITIES



PROMOTING THE DARFUR PEACE AGREEMENT THROUGH ADDRESSING SERIOUS CRIMES



STRENGTHENING THE CAPACITY OF RURAL COURTS TO ADDRESS LAND DISPUTES AND OTHER CONFLICT DRIVERS



SUPPORTING THE RE-ESTABLISHMENT OF THE CRIMINAL JUSTICE **CHAIN** 



STRENGTHENING THE NATIONAL STRATEGIC AND LEGAL **FRAMEWORK** 



IMPROVING PRISON SECURITY, MANAGEMENT AND CONDITIONS

#### RULE OF LAW CONTEXT

In 2008 Darfur was characterized by a breakdown of law and order, resulting in serious violations of humanitarian and human rights law and the displacement of millions of Darfuri people. The presence of armed groups posed a serious threat to the protection of civilians, return of involuntary displaced persons and the extension of State authority. Most courts were closed, and prison facilities were in disrepair and highly prone to security incidents, mass escapes and overcrowding, posing a risk to the lives of prisoners and the communities. All rural courts outside urban centers, an important mechanism for the resolution of intercommunal conflicts, were also closed.

### KEY CONTRIBUTIONS AND IMPACT

- With tripled capacity of 16 prosecutors, the Office of the Special Prosecutor has increased the number of successful prosecutions, including three individuals who robbed and raped UNAMID peacekeepers in 2014.
- **Enactment of key legislation**, including amendments to the Criminal Act in 2008 and 2015 (incorporating international crimes and removing charges for adultery in cases of rape); Public Prosecution Act 2017 (guaranteeing the independence of the prosecution service); Legal Aid Act in 2017; National Strategic Plan for Darfur Prisons for 2014-2018.
- Opening and functioning of 21 out of 25 formal courts in Darfur.
- Refurbishment of 14 prisons and reopening of Kutum prison in an IDP area, with robust management frameworks in place.
- Deploying 74 trained prosecutors and 23 new judges in 2017.
- 90 community paralegals providing basic legal aid and referral services in IDP camps since 2013.
- Establishment of legal aid unit within the Ministry of Justice and legal aid desks in six prisons leading to over 550 detainees and prisoners receiving legal services.



- Joint Rule of Law Programme UNDP, UN Women, UNICEF, UNHCR, UNFPA, UNESCO, UNHABITAT, UNOPS, FAO, WFP
- Canada, German Agro Action, Mubadiroon organization and others

### **RAPID DEPLOYMENTS**

Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2015 and 2017

- Drafted rule of law transition plan
- Advanced reinforcement of criminal justice chain in potential return areas
- JCSC also participated in two assessment missions



- Rural courts across Darfur are at the forefront of addressing land disputes, a conflict driver and an obstacle to voluntary returns of internally displaced persons.
- In 2008, all rural courts outside major urban centres were closed. Today, 114 rural courts are functioning and 150 rural court judges have received UNAMID mediation training.
- Following such trainings, the number of disputes resolved by rural courts has increased (e.g. at Adikong court, resolved disputes increased from 19 to 150 in 2015)
- In 2016, the rural court in Mellit in North Darfur mediated a long-standing inter-tribal dispute resulting in a cease fire

### REMAINING CHALLENGES

- Lack of political urgency in moving forward the Darfur Peace Agreement and the Doha Document for Peace.
- Ongoing volatile security situation, particularly in the Jebel Mara region, and continued displacement of approximately two million persons.
- The Special Court for Darfur Crimes remains largely ineffective.





Mission established

UNMIK restructuring and transfe of rule of law tasks to EULEX:

2008



### MANDATED PRIORITIES



ADVANCING JUSTICE INITIATIVES AS PART OF THE POLITICAL PROCESS AND THE BROADER RULE OF LAW FRAMEWORK



NORMALIZATION OF THE RELATIONSHIP BETWEEN THE DIFFERENT COMMUNITIES IN KOSOVO



IMPROVING ACCESS TO JUSTICE, INCLUDING BY USING PROGRAMMATIC FUNDING TO SUPPORT STRATEGICALLY TARGETED AND PRACTICAL INITIATIVES



**BUILDING THE CAPACITIES OF KOSOVO RULE OF LAW INSTITUTIONS** 

#### RULE OF LAW CONTEXT

The Security Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) in June 1999. In the aftermath of the Kosovo conflict, the United Nations and other stakeholders provided substantive assistance for the establishment of new police, judicial and corrections institutions. Following Kosovo's declaration of independence, UNMIK was restructured in 2008 and its rule of law executive tasks were transferred to the European Union Rule of Law Mission in Kosovo (EULEX). Kosovo authorities had already assumed by that time most of the earlier UNMIK responsibilities in the area of rule of law. Since then, UNMIK has complemented efforts by EULEX and other international partners in the rule of law sector.

### **KEY CONTRIBUTIONS AND IMPACT**

Ongoing assistance with the integration of Serbian-run judicial structures into the Kosovo system pursuant to the 2015 agreement between Belgrade and Pristina on the

integration of the judiciary (including through the training of northern Kosovo law graduates from different ethnic communities on Kosovo laws and legal procedures).

Helping to reduce the backlog of cases at the Basic Court of Pristina and the Basic Court of Mitrovicë/Mitrovica (a key institution in one of the most politically sensitive regions of Kosovo). By sponsoring over 200 legal interns since 2016, UNMIK has helped to clear over 20,000 cases.

Facilitating the interactions of Kosovo habitual residents with the Republic of Serbia and other States that do not recognize Kosovo as an independent State. Since 2008, UNMIK has authenticated and certified over 25,000 civil status documents (a.g. birth, marriage, death certificates)

status documents (e.g. birth, marriage, death certificates), pension certificates and academic documents, enabling Kosovo residents to work or study outside of Kosovo and to request pensions from the Serbian authorities.

### KEY PARTNERS

- OHCHR, UNDP, UNFPA, UNICEF, UNODC, UNOPS, UN Women
- EULEX, USAID

### RAPID DEPLOYMENTS

Deployments of the Justice and Corrections Standing Capacity (JCSC)

Drafted proposals for justice and corrections engagement in UNMIK.

## JUSTICE 2020 PROGRAMME

UNMIK and a range of United Nations agencies, funds and programmes are partnering on a joint programme for police, justice and corrections institutions in Kosovo ("Justice 2020").

 Under the Justice 2020 Programme, UNMIK is prioritizing its support for strengthening justice institutions and facilitating access to justice (with an emphasis on youth and gender issues).

 The Justice 2020 Programme is based on priorities identified by the Kosovo authorities and is complementary to the efforts of international partners.



- The hesitation of some government actors to engage with UNMIK.
- The limited allocation of funds to the administration of justice.



### **UNMIL - LIBERIA**

2003

2010

2018



Additional support from Peacebuilding Commission

Mission closed

Civilian international and national justice and corrections staff\*

Governmentprovided personnel

### MANDATED PRIORITIES









#### RULE OF LAW CONTEXT

In 2003, the Liberian judicial system was severely impacted at all levels by systemic weaknesses and executive interference. When the conflict ended, only two circuit courts – both in Monrovia – were operational, courts had been looted or destroyed and personnel had fled. There was a large backlog of cases and the proportion of pretrial detainees in Liberia reached up to 90% in 2007, which resulted in overcrowding and prison escapes. The eight corrections facilities that existed before the war had been overrun by warring factions, looted, and prisoners set free. The justice and prison sectors were also seriously impacted by the Ebola crisis. With UNMIL support, significant improvements were made in the rebuilding, reform and decentralization of the justice and prison sectors.

### KEY CONTRIBUTIONS AND IMPACT

- **Fostering a rule of law culture** through the peaceful resolution of electoral disputes, including in the 2017 general election.
- **Developing strategic plans, policies and key legislation,** including the Anti-Corruption Act, Rape Law, Prison and Jury Acts.
- Supporting the operationalization of the Law Reform Commission; Anti-Corruption Commission; Court Inspectorate Unit; and Grievance and Ethics Committees for Judges and Lawyers.
- Operationalization of 20 circuit courts, 152 magistrate courts and 74 specialized courts; reopening of 16 prison facilities in all 15 countries.
- Establishment of sexual and gender-based violence investigation and prosecution capacity, including in the counties, resulting in 374 indictments between 2010 and 2017.
- Improving service delivery through the establishment of jury management offices, roving prosecution units, and increased availability of public defence.
- Reduction of pre-trial detention rate form 90% in 2007 to 67% in 2017.
- Re-establishment and professionalization of the Bureau of **Corrections and Rehabilitation**, including the training of almost 500 officers, resulting in improved prison conditions, operations and security.
- Adoption and operationalization of emergency and prevention protocols on prisoner intake and medical response during the Ebola crisis.

### **KEY PARTNERS**

- Joint Rule of Law Programme UNDP, UN Women, UNICEF, PBC/F, IOM, UNFPA, FAO The Carter Center, INL, ABA, the Justice and Peace Commission, the Prison Fellowship in Liberia, and other bilateral and regional partners

## RAPID DEPLOYMENTS

Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2017 and 2018

- Supported closure of Mission rule of law mandate
- Coordination of a lessons learned exercise concerning 14 years of rule of law work in UNMIL





- Limited political urgency to undertake transformative rule of law reforms.
- Increased emphasis is needed on the respect for due processes and legal standards and combating the high level of corruption within the justice sector, which perpetuates the low confidence of the Liberian people in the formal justice system.



### UNSMIL - LIBYA

Mission established 2011

Security situation deteriorates 2014

Resumption of key presence in Tripoli 2017



Civilian international and national justice and corrections staff\*

#### MANDATED PRIORITIES



ADVANCING JUSTICE AND CORRECTIONS-RELATED INITIATIVES AS PART OF THE POLITICAL PROCESS



INITIATING REFORMS OF THE JUDICIARY AND STRENGTHENING ACCESS TO JUSTICE



REFORMING THE MILITARY JUSTICE SYSTEM



STRENGTHENING CORRECTIONS SERVICES

#### **RULE OF LAW CHALLENGES**

The independence of the judicial system was relentlessly eroded during the Qadhafi era, which resulted in parallel courts that were directly answerable to the regime. To some extent, the ordinary criminal justice system (hybrid civil and Islamic law system) continued to operate in cases that did not have a political dimension; however, the legal framework was largely subjugated by the regime. After the revolution, UNSMIL assisted its Libyan counterparts in adopting key legislation guaranteeing the independence of the judiciary. However, in a context of political polarization, the justice system has not been able to resume normal levels of functionality in many parts of the country. Armed groups continue to run many of the prisons and enforce their own forms of justice, challenging the authority and physical security of the judiciary.

### **KEY CONTRIBUTIONS AND IMPACT**

- Developing and reaching consensus for the 2015 Libyan Political Agreement which enshrines key justice-related protections.
- Supporting the Constitution Drafting Assembly in 2016 to formulate a draft constitution guaranteeing judicial independence and the prominent role of the judiciary.
- Supporting senior management of the prison sector, including the Director General of the Judicial Police, to adopt a code of ethics and conduct and initiate a process to harmonize prison management in Libya; advance the screening of detainees by prosecutors; and restructure prisons to facilitate the transfer of detainees from illegal detention centres.
- Partaking in municipal-level negotiations leading to the effective release and exchange of conflict-related prisoners.
- Helping to establish an Anti-Corruption Commission as part of a broader national anti-corruption strategy.
- Supporting the definition of a prosecutorial strategy focused on screening conflict-related detainees and the criminal accountability of members of armed groups for violations committed post-2011.
- Enhancing citizens' access to justice, including through support for legal aid.



- Joint Rule of Law Programme
- UNDP, UNODC and other members of the UN Country Team.



#### Deployments of the Justice and Corrections Standing Capacity (JCSC)

- Programme developed to support implementation of the Libyan Security, Justice and Rule of Law Development Plan
- GFP Mission recommended Joint Rule of Law Programme



UNSMIL has supported a comprehensive approach to military justice reform to replace pre-conflict structures with a modern and competent military justice system, leading to the following results:

- The abolition of the jurisdiction of military courts over civilians in 2013.
- The creation of coordination mechanisms between the military and civilian justice systems.
- The reinforced capacities of military and civilian judges and prosecutors through comprehensive military justice training.



- Continuing political and security turmoil throughout the country, including the presence of parallel institutions.
- The control of many prisons by armed groups, resulting in serious human rights violations.
- The full resumption of court functions remains to be achieved.



### **UNMISS - SOUTH SUDAN**

2011

2013

2017 2018

Mission established

Rule of law mandate discontinued

Re-establishment of Rule of Law Advisor Mandate to work on national accountability issues

Civilian international and national justice and corrections staff\*

Governmentprovided personnel (GPP)\*

### MANDATED PRIORITIES



Contributing to the protection of civilians (PoC), including through the provision of technical assistance or advice to key national institutions on international humanitarian law, investigation and prosecution of sexual and gender-based violence and conflict-related sexual violence and other serious human rights violations.



Contributing to the maintenance of public safety and security of and within UNMISS PoC sites, including by managing the holding facilities.

### RULE OF LAW CONTEXT

Until 2014, UNMISS focused on strengthening national rule of law capacities and reducing arbitrary detention. Following the outbreak of violence in 2013, justice and corrections capacity building ceased in 2014 and the corrections component focused exclusively on operating holding facilities to detain persons suspected of having committed serious offences within UNMISS POC sites. In 2018 the mandate was expanded, empowering the Mission to support national accountability initiatives for serious human rights violations.

### KEY CONTRIBUTIONS AND IMPACT

- Mapping and assessing national capacity to investigate and prosecute suspects of serious conflict related crimes, in complementarity with the Hybrid Court.
- Substantially improving the security environment for internally displaced persons within POC sites.
- Progressively improving safe, secure and humane detention conditions for the 4,730 individuals admitted between May 2014 and May 2018.
- Reduction in the average number of detainees in holding facilities per day (from 50 in 2016 to 15 presently), through regular and continued review of cases and facilitation of releases.
- Increasing capacity of GPP to carry out specialized security functions through targeted pre-deployment and on-the-job training.
- Establishment and implementation of standard operating procedures for the management of the holding facilities.
- Facilitation and continuous monitoring of detention conditions by OHCHR and the ICRC and access for NGOs providing medical services.
- Continual rehabilitation and improvement of holding facilities infrastructure to improve detention conditions and security.

### KEY PARTNERS

- UNDP
- IDLO, ICRC
- AU, US, Sweden, Canada, Ghana, Kenya, Tanzania



- Established in April 2017
- Assumed management of holding facilities (corrections was previously under the Police Component)
- Supports the South Sudanese authorities to promote accountability for serious violations and legislative reform and juvenile justice initiatives.



Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2011 and 2017

 Operational JCS established (2011) and re-established (2017)





Holding facilities in protection of civilians sites



### **UNSOM - SOMALIA**

Mission established 2013

2015-18

2018

Civilian international and national justice and corrections staff\*

Governmentprovided personnel

### MANDATED PRIORITIES



**GOOD OFFICES TO STRENGTHEN JUSTICE AND CORRECTIONS** INSTITUTIONS AT FEDERAL AND STATE LEVELS



**DEVELOPING JUSTICE AND CORRECTIONS ARCHITECTURE IN LINE** WITH THE EMERGING FEDERAL FRAMEWORK



STRENGTHENING AND EXPANDING THE PROVISION OF BASIC **JUSTICE SERVICES** 



STRENGTHENING SECURITY AND THE RULE OF LAW THROUGH **CORRECTIONS SERVICES** 

#### CONTEXT

Somalia has experienced conflict since the collapse of its central government in 1991, with devastating impact on the rule of law and the country's institutions. Somalia's judicial with devastating impact on the rule of law and the country's institutions. Somalia's judicia structures, courts, prison service and laws are being reformed as a crucial pillar of Federalism, constitutional review and security sector reform; all key initiatives for sustained peace. These reforms are politically and technically complex, and take place in a very challenging security environment, with some States struggling to assert judicial authority due to ongoing conflict. A key element of UNSOM's work is to facilitate political dialogue and agreement on the distribution of judicial power between the Federal and State levels. UNSOM plays a critical role in convening national, international and UN partners to enhance the institutional capacity of critical rule of law institutions, including courts and prisons, offset the influence of Al-Shabaab in the justice area and build trust and confidence in State institutions throughout the country.

### KEY CONTRIBUTIONS AND IMPACT

- Convening federal and state-level officials to build consensus on a justice and corrections architecture, resulting in the adoption of a Federal Justice and Corrections Model in January 2018.
- Facilitation of dialogue and expert support to develop federal and state-level oversight and accountability institutions, including the Judicial Service Commission.
- Strengthening linkages between federal and state-level justice and prison entities in coordination with police.
- Expansion of national justice services beyond Mogadishu, including 5 new legal aid centres and targeted community engagement to facilitate access to justice, including in IDP areas.
- Facilitation of the gradual transfer of high-risk Al-Shabaab cases from military jurisdiction to the civilian justice system to improve criminal accountability processes for serious crimes and increase confidence in the civilian judiciary.
- Professionalization of judges, prosecutors and legal aid services through training and increased dialogue and coordination.
- Enhancing prison security and management through training and the development of security and strategic plans for the Custodial Corps.
- Addressing violent extremism through implementation of a rehabilitation project for high-risk, Al-Shabaab prisoners in Baidoa Central Prison.

### KEY PARTNERS

- Joint rule of law programming UNDP, UNODC, UN Women, UNICEF
- EU, UK, Netherlands, Sweden, OIC, USA
- Danish Refugee Council, Norwegian Refugee Council, Finn Church Aid, IDLO

## RAPID DEPLOYMENTS

Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2013 and 2017

- Establishment of operational component
- Initiation of the Joint Rule of Law Programme
- Strategic coordination in the rule of law sector

### JOINT RULE OF LAW PROGRAMMING

- Multilateral framework of UN partners, including UNDP, UNODC, UNICEF and UN Women, working together to deliver coherent rule of law support across Somalia, including areas recovered from Al-Shabaab.
- Under the GFP arrangement providing strategic support for political dialogue necessary to advance Federalism, resource flows and security transition under the Comprehensive Approach to Security (CAS) structure as well as dedicated institutional support to police, justice and corrections institutions and basic justice services.



- Continued risk of targeted attacks against judges, prosecutors, lawyers and prison personnel.

  Asserting greater territorial reach of and access to justice and corrections services in Federal Member States, in the face of serious security concerns.

  Complex political dialogue related to overall Federal
- model and resource sharing.



Somali corrections officers participating in UNSOM training activities (Photo: UNSOM).

### **UNIOGBIS - GUINEA-BISSAU**

Mission established 2009



Governmentprovided personnel

### KEY CONTRIBUTIONS AND IMPACT

UNIOGBIS efforts to support the establishment of an effective and efficient criminal justice system and combat drug trafficking and organized crime began in 2009. In 2013, the mandate was expanded to include support to the penitentiary system and the implementation of rule of law strategies with a specific focus on compliance with international standards. In the justice and prisons areas, UNIOGBIS has been instrumental through its strategic and technical support for the following:

- Fostering national dialogue and rule of law awareness (including the organization of an annual High-level National Justice Forum to promote inclusive dialogue on crime prevention, human rights and good governance).
- Addressing threats of violent extremism and other organized crime (including support for a national dialogue, specialized training of prosecutors and a bill on the protection of victims and witnesses).
- Strengthening the capacity of the justice and prisons systems (including support for improved court administration and management to expedite judicial processes).
- **Initiating reforms of the military justice system** (including reviewing the draft military justice code to replace the one dating from 1925).



- Joint Rule of Law Programme UNODC, UNDP, UNICEF, UN Women
- Brazilian Office of the Prosecutor General



Deployments of the Justice and Corrections Standing Capacity (JCSC) in 2013 and 2015

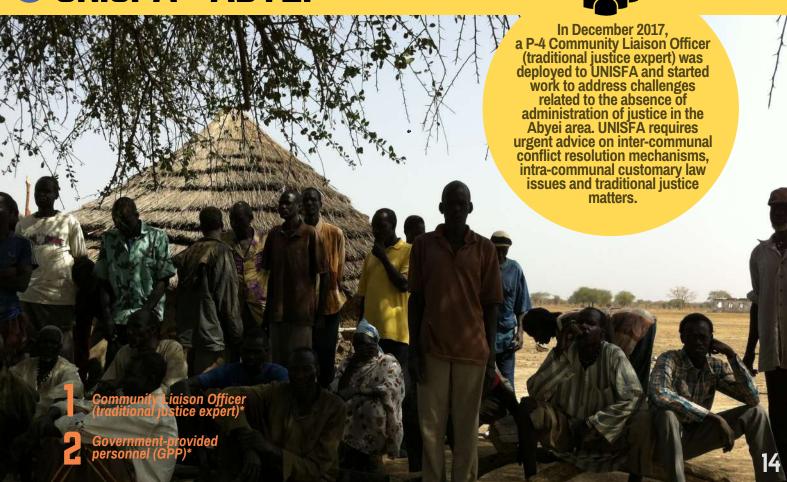
- Assessment on prison sector
- GFP Mission led to Joint Rule of Law Programme



An ongoing political crisis since August 2015 has paralyzed the Government, limiting progress of reform efforts.

\*2018 budget





### GOVERNMENT-PROVIDED PERSONNEL

There are currently over 300 authorized justice and corrections government-provided personnel (GPP) posts across nine United Nations peace operations. GPP are officers provided by Member States who perform a range of highly specialized functions, Such expertise that is generally found only in government services, and is thus most effectively drawn from Member States. GPP bring a wide range of skills and expertise to peace operations, including in military and civilian justice and prosecutions, custodial management, prison security and prison policy development. JCS continuously reaches out to Member States to encourage new nominations in line with identified expertise needs, particularly from women and French-speaking officers.

For further information, please:

- e-mail jcs-secondment@un.org or
- call (+1) 917 367 4576

### **GPP REQUIREMENTS**



Possess United Nations core values and competencies



Be 25 years of age or older



Have a minimum of five years of work experience in justice or corrections



Possess the educational qualifications and specialized experience stipulated in the terms of



Be proficient in English and/or French



Possess basic computer skills



Possess a driving licence and have experience driving a 4-wheel drive manual shift



MISSION: United Nations Assistance Mission in Somalia (UNSOM)

BACKGROUND: Corrections forensic psychology with over 13 years of experience focusing on prisoner rehabilitation (including sex offenders and inmates with PTSD).

JOB DESCRIPTION: Peace and security continue to be threatened by extremist groups in many parts of Somalia. The rehabilitation and reintegration of convicted Al-Shabaab members is critical to countering and preventing violent extremism. Ms. Runesson served with UNSOM for two years and developed a high-risk prisoners rehabilitation project aimed at assisting former Al Shabaab members to disengage from extremism and to reintegrate in their communities.

**EXPERIENCE:** Ms. Runesson worked with a multidisciplinary team - a group of psycho-social, religious and security experts – on developing pre-and post-release disengagement initiatives. Her team helped improve prison security and create an environment conducive to reintegration, including by understanding prisoner motivations, family and community dynamics. While Ms. Runesson completed her assignment in late 2017, the programme's success catalyzed donor funding, which has enabled its continued implementation.

MISSION: United Nations Mission in the Republic of South Sudan (UNMISS)

BACKGROUND: Corrections officer with over 25 years of experience, both in his native Finland and with UN missions, including in Bosnia and Herzegovina and Kosovo.

JOB DESCRIPTION: As a key part of its Security Council granted mandate, UNMISS runs protection of civilians (PoC) sites that provide a safe and secure environment to over 200,000 civilians affected by conflict. Mr. Juutinen is a member of a unique corrections team that operates the holding facilities established in the PoC sites to detain individuals who pose a risk to the safety and security of civilians and UN personnel.

EXPERIENCE: Working in the remote area of Malakal, Mr. Juutinen helps to ensure the safe and secure custody of individuals detained in the holding facilities. He also safeguards their right to be held in humane conditions, with regular access to food, water and health care. Mr. Juutinen finds supporting security and key prison services very rewarding, particularly as his work directly contributes to the mandate of the Mission to keep vulnerable communities safe.

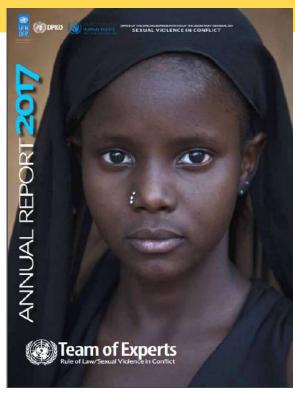


### WOMEN, PEACE AND SECURITY

# TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN CONFLICT

The UN Team of Experts on the Rule of Law and Sexual Violence in Conflict (Team of Experts) was created by Security Council resolution 1888 (2009) to support national authorities in combatting impunity for sexual violence in conflict. The Team of Experts is composed of experts from DPKO (JCS), OHCHR and UNDP, with a Team Leader reporting to the Special Representative of the Secretary-General on Sexual Violence in Conflict. Since its inception, the Team of Experts has deployed to Bosnia and Herzegovina, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Guinea (Conakry), Iraq, Liberia, Mali, Myanmar, Nigeria, Somalia, South Sudan, Sudan (Darfur) and Syria.

In line with its Security Council mandate, the Team of Experts provides technical support to governments, including in the areas of criminal investigation and prosecution; military justice; legislative reform; protection of victims and witnesses; reparations for survivors; and security-sector oversight.





### **WOMEN IN ACTION**











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- 1) On 5 December 2017, UNAMID's Rule of Law Section, in partnership with the Government of Canada, supported the construction of a dormitory, a child-friendly space and a visitors' bay for women inmates in Kutum prison, North Darfur. The project is part of the Mission's continued efforts to strengthen the rule of law across Darfur. The UNAMID Rule of Law Chief and Senior Corrections Advisor help in laying the foundation stone at Kutum (Photo: Mohamad Almahady, UNAMID).
- 2) Legal awareness session at IDP camp in Kismayo, Somalia (Photo: UNSOM).
- 3) Female Corrections Officers undergoing search and control of hostile behaviour training in Malakal Holding Facility, South Sudan (Photo: UNMISS).
- 4) Acting chair of the Somali Bar Association giving a presentation during the strategic planning meeting of the justice sector (Photo: UNSOM).
- 5) International Women's Day at Cabaret women's prison in Haiti, which receives support from MINUJUSTH (Photo: MINUJUSTH).
- 6) Women Corrections Officers play a critical role in strengthening the rule of law in South West State, Somalia (Photo: UNSOM).









STAY IN TOUCH @UNPEACEKEEPING @UN\_OROLSI #ROL4PEACE

#### For further information:

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