

JUSTICE AND CORRECTIONS UPDATE

ISSUE 5 / MAY 2017



JUSTICE AND CORRECTIONS SERVICE



United Nations Peacekeeping

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 important work of justice and corrections components in United Nations peacekeeping and special political missions around the world. Together, we provide support to host countries to deliver basic justice and prison services, strengthen criminal justice systems and facilitate rule of law reforms, with the objective of advancing stabilization and security, the protection of civilians and accountability for serious crimes that fuel conflict.



Corrections training in Entebbe, Uganda (Photo: Kelly Strunk)

HIGH-LEVEL APPOINTMENTS TO THE CAR SPECIAL CRIMINAL COURT

President Faustin-Archange Toudéra of the Central African Republic (CAR) has made a number of key appointments to the CAR Special Criminal Court (SCC) in recent months:

- 15 February: Mr. **Toussaint Muntazini Mukimapa**, of the Democratic Republic of the Congo, as international Special Prosecutor;
- 13 April: Ms. **Emmanuelle Ducos**, of France, and Ms. **Adelaïde Dembélé**, of Burkina Faso, as international Investigating Judges; and
- 6 May: Five Central African magistrates - Mr. **Patience Gréngbo** and Mr. **Michel Ngokpou** (Investigative Judges); Mr. **Jacob Sanny-Damili** (Judge of the Accusation Chamber); Mr. **Alain Ouaby-Békaï** (Deputy Special Prosecutor); and Mr. **Alain Tolmo** (Assistant Special Prosecutor).

The SCC will be a national court, with a mix of national and international magistrates, investigators and staff. It will have jurisdiction to investigate and try serious international crimes – including genocide, war crimes and crimes against humanity – committed throughout CAR since 2003.

“The SCC will be a national court, with a mix of national and international magistrates”

The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) Justice and Corrections Section continues to provide significant assistance to the CAR authorities to operationalize the SCC. MINUSCA and the United Nations Development Programme (UNDP) are jointly implementing the SCC support project. In parallel, MINUSCA is working with UNDP and other Global Focal Point partners to support and build the capacities of prosecutors, judges and other court staff throughout CAR.

In New York, these efforts are bolstered by the Reference Group of Member States – chaired by Morocco – which provides invaluable political and financial support to the SCC and broader rule of law activities in CAR.



Left: Special Prosecutor Toussaint Muntazini Mukimapa (Photo: MINUSCA)

Background: Review visit to finalize the refurbishment plan of the main building of the SCC (Photo: MINUSCA, Strategic Communications and Public Information Division)

FIGHTING CORRUPTION IN AFGHANISTAN

On 25 April 2017, the United Nations Assistance Mission in Afghanistan (UNAMA) issued its first periodic report on Afghanistan's efforts to fight corruption. The comprehensive report – "Afghanistan's Fight against Corruption: The Other Battlefield" – highlights the country's progress in addressing corruption, ensuring accountability, increasing transparency and restoring integrity to the management of public services, finances and natural resources. The report also identifies persisting challenges and provides recommendations for the Government and donor community on building upon progress achieved thus far.

A key component of Afghanistan's criminal accountability architecture is the new national **Anti-Corruption Justice Centre (ACJC)**, which was established by Presidential Decree in June 2016 and officially opened on 23 August 2016, with the support of UNAMA and the United Kingdom's DFID and Resolute Support (NATO+) Mission. The ACJC's first primary trial case was adjudicated in November 2016. Its specialized police and prosecution units, and a national primary and appeals court, operate Afghanistan-wide with jurisdiction over a broad range of serious corruption offences.



Press conference on the launch of the new anti-corruption report on 25 April 2017 (Photo: UN Photo/Fardin Waezi)



Mr. Michael Hartmann (right), Director of Rule of Law, UNAMA, addresses the press conference on the launch of the report. At his side is Mr. Abdul Baseer Anwar, Minister of Justice of Afghanistan.

The ACJC's major crimes subject-matter jurisdiction is based on either the rank of the Government official or the amount of money involved, where the corruption crimes include embezzlement, money laundering, illicit enrichment, abuse of official power, false asset declarations, destruction or selling of cultural and historical relics, fraud, bid-rigging, illegal extraction of mines and land usurpation, among others.

"To date, the ACJC's work has resulted in convictions of 39 persons in 13 cases"

To date, the ACJC's work has resulted in convictions of 39 persons in 13 cases before the first instance court, with nine cases confirmed on appeal as of 10 May 2017. More than 100 cases have been referred to the ACJC, with dozens being actively and formally investigated by the ACJC's prosecutors. Appeals from the ACJC's appellate court, presided over by Chief Judge Anisa Rasooli (the highest-ranking woman judge in Afghanistan), go to the High Council of the Supreme Court.

Notwithstanding the many legal and policy reforms which have been undertaken and the clear political will of the President, Chief Justice, Minister of Justice and Attorney General, corruption continues to affect all aspects of life in Afghanistan. It undermines public trust in Government institutions and hinders efforts to bring lasting peace and prosperity to the country. As aptly noted by Mr. Tadamichi Yamamoto, the United Nations Secretary-General's Special Representative for Afghanistan, the "report serves as a stark reminder that the fight against corruption cannot be won in the short term, and that the battle requires the sustained commitment on the part of the government and the general public, and full support from the international community".

**ACCESS THE NEW REPORT ON
UNAMA ANTI-CORRUPTION
EFFORTS**

NEWS FROM UNMIK JUSTICE SECTION

Did you know?

The United Nations Mission in Kosovo (UNMIK) Justice Section performs a variety of residual executive functions, stemming from the Mission's previous executive mandate which expired in 2008.

For example, UNMIK certifies academic, civil status (e.g., birth, marriage and death) and pension documents of Kosovo's habitual residents for use in countries that do not recognize Kosovo. This service enables Kosovo habitual residents to work and/or study outside of Kosovo and to request pensions from the Serbian authorities. Over the last four years, UNMIK has certified roughly 8,000 pension-related documents.

UNMIK also works closely with the International Police Organization (INTERPOL) to facilitate the interaction of Kosovo authorities with INTERPOL Member States. Kosovo authorities can request the issuance of an International Wanted Notice in respect of someone who is believed to be outside out of Kosovo and is required to appear before a Kosovo court or serve a prison sentence. They can also request that a protest be lodged concerning notices issued by other jurisdictions.



Draft International Wanted Notice to be issued by the Special Representative of the Secretary-General for Kosovo (Photo: Mr. Timothy Wilson)

PHOTOS FROM THE FIELD



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- 1) Open-air mobile court supported by the MONUSCO Prosecution Support Cells in remote locations in the DRC (Photo: MONUSCO/JCS Bunia)
- 2) UNMIL government-provided corrections personnel supervising vocational training in Liberia (Photo: UNMIL)
- 3) Workshop for Kosovo youth from different ethnic groups facilitated by UNMIK Justice Section (Photo: Iana Minochkina)

- 4) UNSOM workshop for female security staff in Somali prisons (Photo: UNSOM)
- 5) UNSOM staff on their way to visit Dinsoor prison with the Somali Minister of Justice (Photo: UNSOM)
- 6) Sensitization session on violence reduction for juvenile offenders at CERMICOL prison, Port-au-Prince, Haiti (Photo: MINUSTAH)

CORRECTIONS NEWS FROM HAITI

The United Nations Stabilization Mission in Haiti (MINUSTAH)

Corrections Unit continues to work closely with the Haitian Prison Administration (DAP) to improve security in detention facilities and rehabilitate prisoners throughout the country.

From 24 April to 1 May 2017, MINUSTAH hosted an international forum to review a draft national law on prisons. MINUSTAH helped to prepare the new law, which aims to improve prison administration, enhance respect for human rights and facilitate the rehabilitation and social reintegration of prisoners. The forum brought together a range of experts to provide technical advice, identify gaps and ensure compliance with international standards.

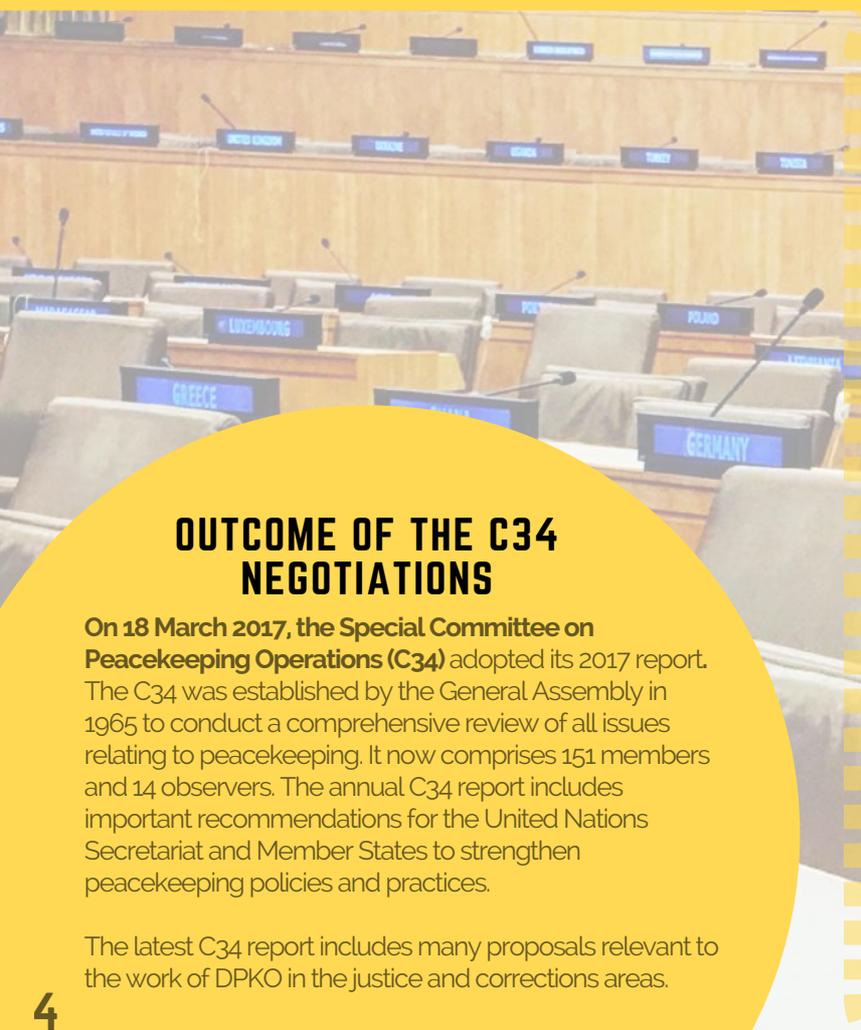
In a workshop on 19 April, DAP management - supported by MINUSTAH and UN Women - reviewed the results of a study on the situation of women and minors in the Haitian corrections system. DAP management decided to address some of the specific needs of these detainees, by integrating gender issues in the DAP strategic plan for 2017-2021. Priority actions were also agreed at the April workshop.

MINUSTAH will continue to work with the DAP to implement the strategic plan, promote gender equality and tackle gender-based discrimination and violence.



Workshop on corrections issues in Haiti (Photo: MINUSTAH)

UPDATES FROM NEW YORK



OUTCOME OF THE C34 NEGOTIATIONS

On 18 March 2017, the Special Committee on Peacekeeping Operations (C34) adopted its 2017 report. The C34 was established by the General Assembly in 1965 to conduct a comprehensive review of all issues relating to peacekeeping. It now comprises 151 members and 14 observers. The annual C34 report includes important recommendations for the United Nations Secretariat and Member States to strengthen peacekeeping policies and practices.

The latest C34 report includes many proposals relevant to the work of DPKO in the justice and corrections areas.

THIS YEAR, THE C34:

- emphasized the critical importance of rule of law for the **protection of civilians**, as well as to stabilize situations, extend State authority and end impunity;
- recognized that the recent availability of **programmatic funding in mission budgets** will enhance rule of law capacities in host states;
- noted the growing demand for **government-provided operational corrections personnel** in peacekeeping operations and the need for strengthening **force generation capacity**;
- stressed the importance of continuing the delivery of **justice and corrections training programmes** and the corresponding need for adequate resources; and
- noted that missions are increasingly operating in contexts where rule of law institutions are challenged by **violent extremism, terrorism and serious and organized crime**.

At the C34's request, JCS will prepare a briefing paper on the impact of the justice and corrections work of peacekeeping operations by January 2018.

Background photo: Ms. Cecilia Pellosniemi

TWO NEW SECURITY COUNCIL MANDATES

The United Nations Security Council recently revised the mandates of two of its peacekeeping operations – the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations Stabilization Mission in Haiti (MINUSTAH).



On 31 March 2017, the Security Council adopted resolution 2348, renewing the mandate of MONUSCO until 31 March 2018. The latest mandate underscores the importance of the protection of civilians, respect for human rights and the fight against impunity. To this end, the MONUSCO Justice and Corrections Section will continue to support the national military and civilian justice authorities to investigate and prosecute serious crimes (including crimes of sexual violence) and to reinforce prison security management.



On 13 April 2017, the Security Council adopted resolution 2350, extending the mandate of MINUSTAH for a final six months, until October 2017. MINUSTAH will be replaced by a follow-up mission to help the Government of Haiti strengthen rule of law institutions, further develop and support the Haitian National Police and engage in human rights monitoring, reporting and analysis. The successor mission will be known as the United Nations Mission for Justice Support in Haiti (MINUJUSTH).

The Knotted Gun at United Nations Headquarters in New York (Photo: Ms. Cecilia Pellosniemi)

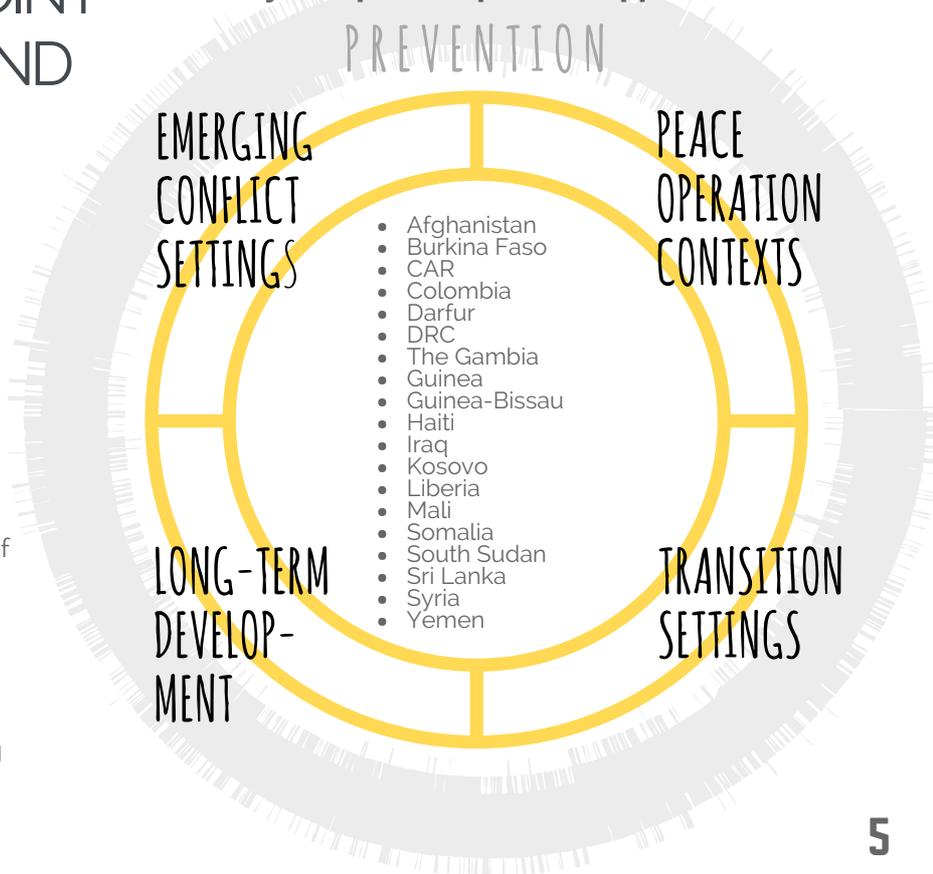
DELIVERING AS ONE UN

THE GLOBAL FOCAL POINT FOR POLICE, JUSTICE AND CORRECTIONS (RULE OF LAW)

Since 2012, the Global Focal Point arrangement for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations (GFP) has brought together complementary capacities in efforts to improve delivery on the ground, with a view to preventing the outbreak, escalation, continuation and recurrence of violent conflict.

DPKO and the United Nations Development Programme (UNDP) have been entrusted joint responsibility to convene United Nations entities including OHCHR, UN Women, UNODC and UNHCR in order to respond to country-level requests of system-wide relevance.

Today, GFP partners provide support in:



GOVERNMENT-PROVIDED PERSONNEL



GPP developing their skills at the corrections training in Entebbe, Uganda (Photo: Ms. Kelly Strunk)

INNOVATIVE CORRECTIONS TRAININGS IN CAR AND SOUTH SUDAN

JCS, with the generous support of the Government of Sweden and with the participation of experts from Sweden and Canada, recently delivered training programmes for corrections government-provided personnel (GPP) serving with the United Nations peacekeeping operations in the Central African Republic (MINUSCA) and South Sudan (UNMISS).

Delivered in Bangui and Entebbe, the training programmes focussed on use of force, rapid intervention techniques, prison riot control and prison incident management. The programmes were specifically tailored to address the challenges faced by corrections GPP serving in South Sudan and the Central African Republic.

The 43 officers (nine of whom were women) who participated in the training programmes came from 14 countries, including Benin, Burkina Faso, Cameroon, Jordan, Kenya, Lesotho, Poland, Rwanda, Senegal, Sweden, Tanzania, Uganda, the United States of America and Zimbabwe.

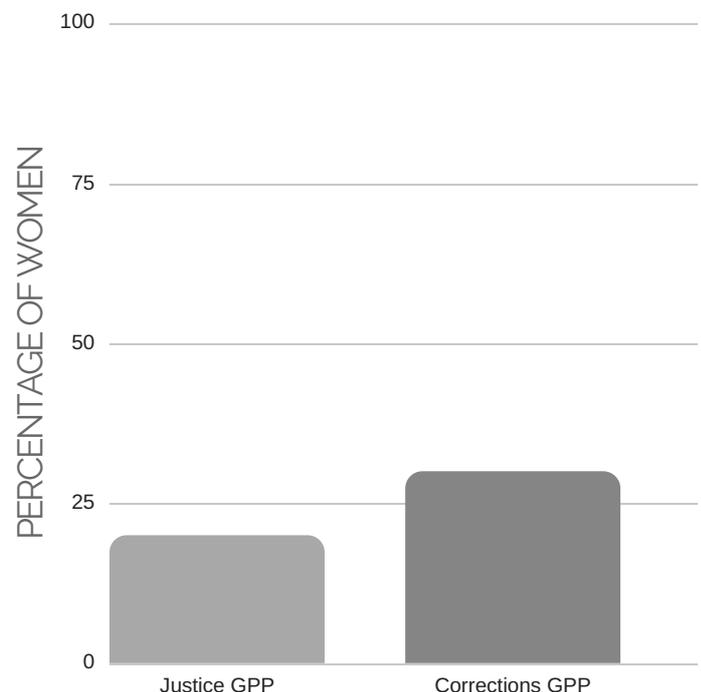
GOVERNMENT-PROVIDED PERSONNEL (GPP)

There are currently 343 authorized corrections and 39 authorized justice government-provided personnel (GPP) posts across 10 United Nations peace operations. GPP are officers provided by Member States that perform a range of highly specialized functions for which expertise is required that is generally found only in government services, and is thus most effectively drawn from Member States.

GPP bring a wide range of 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 women and French-speaking officers.

For further information on the GPP modality, please e-mail jcs-secondment@un.org or call (+1) 917 367 4576.

GPP GENDER RATIO:



*As of May 2017

INTERVIEW: "DIFFERENT CONTEXTS REQUIRE DIFFERENT RECIPES"

Ms. Sofia Coelho Candeias, a Judicial Affairs Officer in JCS, is also the DPKO representative in the Team of Experts on the Rule of Law/Sexual Violence in Conflict. The Team is part of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

JCS: What does the Team of Experts do?

Sofia: The Team of Experts offers technical assistance to governments to strengthen the rule of law in responding to conflict-related sexual violence (CRSV), mainly by supporting justice and security institutions. The work covers both prevention of, and responses to, CRSV.

JCS: Where did you deploy most recently, and what did you learn?

Sofia: My latest trip was an assessment mission to Iraq to examine how the Government is responding to CRSV committed by the Islamic State of Iraq and the Levant (ISIL) and other forces. ISIL cases are particularly difficult, because of the number of victims, the context and the severity of the crimes. We have also observed that incitement to commit CRSV has been consistently used to attract both new fighters and financial flows, creating new challenges for accountability and complex modes of liability.

JCS: What are the Team of Experts' main challenges?

Sofia: CRSV is an incredibly complex issue, and there is still a lot of stigma surrounding it. Before getting involved, we undertake significant preparatory work to ensure our good intentions do not result in a backlash. Another challenge is that our team is funded through extra-budgetary contributions, so we spend quite a bit of time fundraising.

JCS: What is the comparative advantage of the Team of Experts?

Sofia: The Team of Experts responds to a very specific need, and its focus is on problem-solving: whenever there is a request for us to get involved, the Team of Experts tries to find a tailored solution, drawing on its technical expertise and the strengths of its partners. Our team is multidisciplinary, as the problems we address require multidisciplinary responses. Different contexts require different recipes.

JCS: In your view, what are the greatest achievements of the Team of Experts?

Sofia: Among its many success stories, the Team of Experts' support in Guinea and the Democratic Republic of the Congo (DRC) deserve particular mention.

In the aftermath of the 2009 massacres and gang rapes in Conakry, the Team of Experts assisted the Government of Guinea in its efforts to investigate cases of sexual violence and to prosecute those responsible. The deployment of an international expert to a panel of judges increased both its technical expertise and political leverage, which has been widely acknowledged by human rights NGOs.

Together with partners, the Team of Experts also provided support to the legislative, executive and judicial branches of government in the DRC. For example, we contributed to the President's appointment of a Special Representative, who helped the judiciary identify priority cases for prosecution and who supported the establishment of seven specialized police units to investigate CRSV cases. Now these specialized units are training their peers in the Central African Republic, which shows how much impact a small team can have when it partners effectively.

THE TEAM OF EXPERTS DELIVERS AS ONE UNIT

- Established pursuant to Security Council resolution 1888 (2009);
- Comprises representatives of DPKO, OHCHR, and UNDP;
- Aims to strengthen the capacity of national rule of law and justice actors in criminal investigations and prosecution, collection and preservation of evidence, military justice system investigation and prosecution, criminal and procedural law reform, and protection of victims, witnesses and justice officials.



2016 Annual Report



Report of the Secretary-General on Sexual Violence in Conflict

The Team of Experts; Ms. Sofia Coelho Candeias is fourth from left (Photo: Ms. Hanan Talbi)



RAPID DEPLOYMENT

The Justice and Corrections Standing Capacity (JCSC) is part of JCS, based at the United Nations Global Service Centre in Brindisi, Italy. The 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).



Mr. Ignacio Tredici (JCSC Judicial Affairs Officer) meeting with representatives of internally displaced persons to discuss the security and the rule of law situation in Kabkabiya, North Darfur. (Photo: UNPOL UNAMID)

JUSTICE AND CORRECTIONS STANDING CAPACITY DEPLOYMENTS SINCE SEPTEMBER 2016

MINUSMA – Mali

From March 2017 onwards, JCSC has been deployed to MINUSMA to assist in the development and implementation of prison security strategies and related tasks.

UNMIK – Kosovo

In September 2016, JCSC assisted the Mission in the development of proposals on United Nations support to the Kosovo prison sector.

UNAMID – Darfur

In December 2016, JCSC deployed to UNAMID to assist the Mission's Rule of Law Section in its support to re-establishing the criminal justice chain in priority returnee areas.

MONUSCO – D.R. Congo

From October 2016 until March 2017, JCSC temporarily headed the Justice and Corrections Section of MONUSCO.

MINUSCA – Central African Republic

From October 2016 to May 2017, JCSC contributed to the development and implementation of the expenditure plan in support of the Special Criminal Court

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