

Department of Peacekeeping Operations

JUSTICE

Update



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DPKO

Office of Rule of Law and Security Institutions (OROLSI)
Criminal Law and Judicial Advisory Service (CLJAS)

Sustainable Peace through Justice and Security

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ABOUT THIS PUBLICATION

In 2003 the Criminal Law and Judicial Advisory Service was created within DPKO to promote rule of law work, addressing both judicial and penal systems, in UN peace missions. This *Update* introduces the work of this Service and of Justice Components working in peace missions around the world.

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FRONT COVER IMAGE:
Photograph of a section of the mural "Mankind's Struggle for Lasting Peace" by Mr. José Vela Zanetti, a Spanish artist. This mural is in the United Nations Headquarters in New York. (UN Photo)

Foreword by the Under-Secretary-General for Peacekeeping Operations **Alain Le Roy**



Today's peacekeeping operations are mandated to undertake a range of complicated tasks but addressing rule of law issues has become a distinguishing characteristic of United Nations peacekeeping operations over the last 10 years. United Nations operations are now frequently tasked to support the restoration of core government functions in the areas of police, justice and corrections.

Working closely with host-country

authorities and developing national ownership is essential, as is having prompt access to the requisite resources and expertise. Traditional security tasks remain vital, but the Department has learned — through hard experience — that long-term peace requires the development of both security and the foundations of rule of law.

This publication gives an overview of the ongoing work that the Department of Peacekeeping Operations (DPKO) is doing today to promote justice and the rule of law through peacekeeping. It describes an array of programmes to rebuild and reinforce judicial capacity in countries emerging from conflict.

August 2010 marks the 10th anniversary of the Brahimi Report. The recommendations from the Panel that Lakhdar Brahimi chaired at that time highlighted the need for peacekeepers and peacebuilders to address rule of law and security. Since then virtually every new peacekeeping operation has included a justice component. Much work remains to be done in this key area and new partnerships need to be developed and strengthened. However, it is clear that reinforcing justice and the rule of law in a strategic way has become a vital element of contemporary United Nations peacekeeping.

Alain Le Roy

Under-Secretary-General for Peacekeeping Operations
United Nations Headquarters, New York
March 2010

“This publication gives an overview of the ongoing work that DPKO is doing today to promote justice and the rule of law through peacekeeping operations. It describes an array of programmes to rebuild and reinforce judicial capacity in countries emerging from conflict.”

Introduction by Assistant Secretary-General Dmitry Titov

Peacekeepers Promoting the Rule of Law

In 2007, the Office of Rule of Law and Security Institutions (OROLSI) was established in the Department of Peacekeeping Operations (DPKO) to strengthen, coordinate and integrate the Department's activities in the areas of police; justice; corrections; mine action; disarmament, demobilization and reintegration of ex-combatants, and security sector reform. Through the Criminal Law and Judicial Advisory Service (CLJAS), the Office actively supports the justice and corrections components of peacekeeping operations and provides, when requested, specialized expertise on judicial and corrections issues to other United Nations actors.¹

The re-establishment and strengthening of judicial and legal systems, as part of a comprehensive and holistic approach to rule of law reform, is playing a key role in the restoration and consolidation of peace. The maintenance of law and order and the re-establishment of peaceful mechanisms for resolving disputes are critical for a successful transition from conflict. Peace operations, according to their mandates and in conjunction with other United Nations, bilateral and external partners, provide multifaceted assistance aimed at strengthening justice institutions. This assistance is based on the United Nations standards and priorities which reflect applicable international human rights law, international humanitarian law, international criminal law and international refugee law. All of this is in accordance with the approach of the Secretary-General to rule of law. Moreover, it is always based on national ownership, the needs and priorities identified by national actors and must be consistent with the culture and legal traditions of the host country.

Justice components in United Nations missions often assist in the mapping and assessment of the host countries' justice sectors and in the development of national justice reform strategies. At the same time, the more than 180 Judicial Affairs Officers deployed today in 10 DPKO-led operations, aim to play an integration, facilitation and often coordination role among international stakeholders. These officers also help implement national rule of law strategies through programmatic activities such as developing national judicial training capacity; assisting in legislative drafting and constitutional reform; promoting professionalism, integrity, accountability and transparency within justice institutions; helping to strengthen gender and juvenile justice; and facilitating the provision of legal aid. Fundamental to this approach is



¹ For detailed information on the activities of corrections components in United Nations peace operations and CLJAS support to those components, please refer to the DPKO *Corrections Update*, October 2009.

the lead role of host country counterparts — without a committed national lead and the full and meaningful participation of a broad segment of society, little progress is possible.

The CLJAS terms of reference are therefore complex and comprehensive. It supports the planning, establishment and operation of justice components of peacekeeping missions and is developing a policy and guidance framework for this work. With CLJAS support, DPKO and DFS have developed standing rosters that currently include approximately 680 pre-cleared candidates for justice posts in peace operations. CLJAS also operates the Rule of Law Community of Practice, an Internet-based rule of law forum, linking Headquarters and field staff to facilitate the exchange of information and best practices. In addition, CLJAS has contributed significantly to several inter-agency processes and is a proactive, creative member of the United Nations Rule of Law Coordination and Resource Group.

There are many hurdles facing this strategic peacekeeping and peacebuilding nexus. They include the difficulty of securing urgent funds necessary to support the most basic needs of host country justice systems and the challenge of identifying, supporting and empowering local partners.

DPKO does not do its work alone and has established important partnerships in field missions and at Headquarters. CLJAS and the whole of OROLSI work closely with the Office of the High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Office on

Drugs and Crime and the Peacebuilding Support Office and many others. Even more so there are numerous linkages between CLJAS and various other components in DPKO to ensure a “One UN” approach, and long-term planning. For us, this partnership is not a slogan but a necessity and daily practice.

Rule of law work is always based on national ownership, the needs and priorities identified by national authorities and must be consistent with the culture and legal traditions of the host country.

While the scope of rule of law work in post-conflict settings must be long-term, it is essential that the work to reinforce and rebuild judicial infrastructure and corrections systems begins quickly. Despite the extensive standing rosters, the difficulty of finding qualified personnel for the field, particularly senior advisers in justice and corrections areas and those requiring specific language skills or familiarity with a particular legal system, often delays mission start-up in these vital sectors. As a result, useful opportunities for partnership with national actors have been missed and strategic and well-coordinated approaches to rule of law have sometimes been difficult to achieve during a protracted start-up phase of peace operations.

That is why the 2009 New Horizon document launched by DPKO and the recent Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (A/63/881–S/2009/304) affirmed that the rapid deployment of police, justice and

corrections experts is critical to the early establishment of safety and security and to effective stabilization and consolidation of peace. While the establishment of the Standing Police Capacity significantly enhanced our ability to rapidly deploy police to peace operations, the rapid deployment of justice and corrections experts lags behind. There is growing consensus that the United Nations must have the ability to practise strategic guidance and support our field presences in the justice and corrections areas and also match the rapid police deployment with justice and corrections experts to ensure a coordinated and comprehensive approach to rule of law from the outset.

This *Update* attempts to set out the overall vision of CLJAS and describes the practical work being carried out by field operations. I strongly support this pragmatic, results-oriented approach and have seen first-hand during my visits to peace operations as diverse as MINUSTAH in Haiti, UNMIL in Liberia, and UNMIT in Timor-Leste how important this work is for long-term peacebuilding, stabilization and reconstruction. Whether justice components are helping to develop training modules for magistrates, re-deploying judicial authorities to rural counties, helping to rejuvenate national bar associations or mapping justice sectors, the importance of this work in helping to create the conditions for sustainable peace is clear and tangible.

Dmitry Titov

Assistant Secretary-General for Rule of Law and Security Institutions
Department of Peacekeeping Operations
United Nations Headquarters, New York
March 2010

What is the Criminal Law and Judicial Advisory Service?

The Criminal Law and Judicial Advisory Service (CLJAS) was established at United Nations Headquarters in 2003 to support the implementation of rule of law, justice and corrections mandates of United Nations peace operations managed by the Department of Peacekeeping Operations (DPKO). In 2007 CLJAS became a part of DPKO's Office of

Rule of Law and Security Institutions (OROLSI). In April 2010 the Service consisted of 10 professional officers and two assistants. The Service is structured into the Justice Team (three officers), the Corrections Team (four officers) and the Policy Cell (one officer), plus one Chief and one Deputy Chief of the Service.

Justice Team—

The three Judicial Officers in the Justice Team serve as focal points for three to four operations each.

Corrections Team —

The four Corrections Officers in the Corrections Team serve as focal points for three to four operations each.

Policy Cell —

The Judicial Officer working in the Policy Cell is responsible for undertaking and coordinating the Service's policy, guidance and training efforts in the justice areas and in cross-cutting areas of the Service's work.

More than an acronym...

CLJAS	.....	Criminal Law and Judicial Advisory Service
DFS	.....	Department of Field Support
DPKO	.....	Department of Peacekeeping Operations
OROLSI	.....	Office of Rule of Law and Security Institutions
RoLCRG	.....	Rule of Law Coordination and Resource Group
JA0	.....	Judicial Affairs Officer
PBC	.....	United Nations Peacebuilding Commission
PBF	.....	United Nations Peacebuilding Fund
PBSO	.....	United Nations Peacebuilding Support Office
UNDP	.....	United Nations Development Programme
UNODC	.....	United Nations Office on Drugs and Crime
UNOHCHR	.....	United Nations Office of the High Commissioner for Human Rights

... and United Nations definitions

Rule of Law	.....	see the back cover for a full description
Justice System	.....	see the back cover for a full description
Justice Component	.....	see the back cover for a full description

Why was the Criminal Law and Judicial Advisory Service Established?

The strengthening of justice and corrections institutions plays a key role in the restoration and consolidation of peace by facilitating the maintenance of law and order and fostering the peaceful resolution of disputes, while preventing impunity for crimes committed during, as well as after, a conflict. Accordingly, the demand for United Nations justice and corrections assistance within peace operations has been growing steadily. CLJAS was established within DPKO to coordinate and oversee this work in UN field missions. ▸

What does the Criminal Law and Judicial Advisory Service Do?

Since 1999, the United Nations Security Council has included provisions on strengthening rule of law, justice and/or corrections systems in the mandates of all new multidimensional United Nations peacekeeping operations. In April 2010 approximately 180 Judicial Affairs Officers and 175 Corrections Officers were deployed in 10 DPKO-led peace operations in Afghanistan, Chad, Côte d'Ivoire, Darfur, the Democratic Republic of the Congo, Haiti, Kosovo¹, Liberia, Sudan and Timor-Leste.

CLJAS also provides, in varying degrees, support to missions managed by the Department of Political Affairs. These include the missions in Burundi (BINUB), the Central African Republic (BINUCA), Guinea-Bissau (UNOGBIS), Sierra Leone (UNIPSIL) and Somalia (UNPOS). Working closely with other OROLSI components and concerned entities throughout the United Nations system, CLJAS advises and supports field missions on matters related to justice and corrections and assists with staff recruitment, resource mobilization and planning for projects and programmes. In addition, CLJAS designs the Justice and Corrections Components of new field missions and evaluates the achievements and challenges of existing missions. Drawing upon lessons learned and best practices CLJAS

¹ In the context of Security Council resolution 1244 (1999).

Consolidating Lessons Learned and Building on Best Practices

CLJAS Develops Policies and Guidance for UN Peace Missions

Justice Components in United Nations peace operations often functioned without significant operational guidance. To support Judicial Affairs Officers in their efforts to help host countries strengthen their judicial and legal systems, one of the key functions of CLJAS is to develop policies and other guidance materials. These materials reflect lessons learned and best practices, including those identified in “Legal and Judicial Rule of Law Work in Multi-dimensional Peacekeeping Operations: Lessons Learned Study” (March 2006). The “DPKO/DFS Policy on Justice Components in United Nations Peace Operations” (December 2009, Ref. No. 2009.30) defines the objectives, principles, functions and substantive areas in which Justice Components are engaged, as well as the partners with whom they must work in order to achieve their objectives.

also develops guidance and training materials relevant to the work of Justice and Corrections Components. The electronic Rule of Law Community of Practice maintained by CLJAS further facilitates information-sharing amongst the Judicial Affairs Officers and Corrections Officers in the field and in United Nations Headquarters.

In countries where United Nations peacekeeping operations are deployed, the United Nations Secretary-General designated DPKO as the “lead” UN entity for strengthening legal and judicial institutions. In taking up this responsibility the Justice Component of the operation, working with national authorities, begins to develop short- and mid-term strategies to bolster, rebuild or rejuvenate judicial institutions. It also coordinates planning, programme implementation and training needs, mobilizes resources to implement the strategy and identifies key partners. DPKO serves as the primary United Nations counterpart with national authorities.

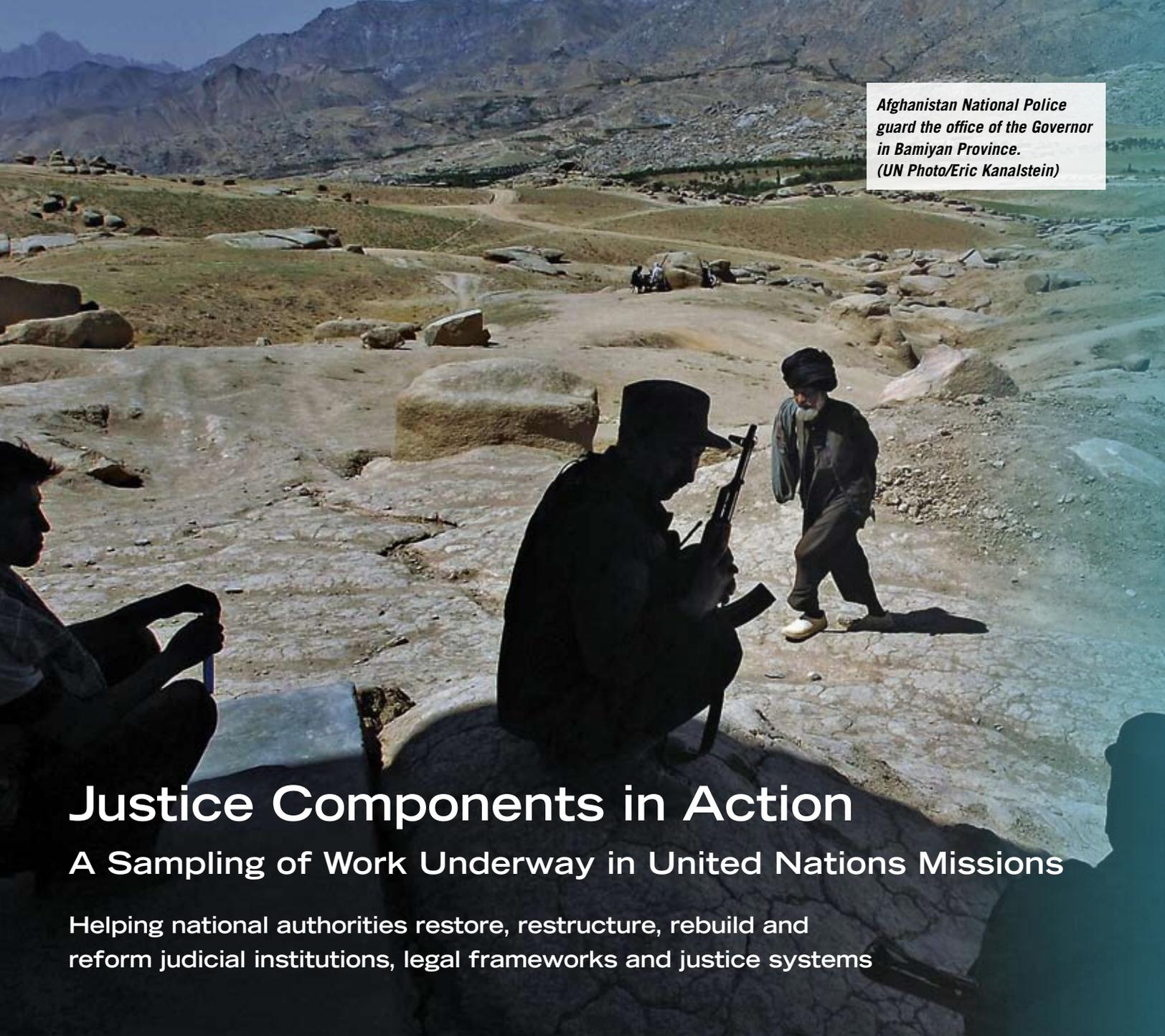
The CLJAS Justice Team advises and supports missions on substantive

and operational matters; engages in planning for new and evolving missions; participates in relevant DPKO and inter-agency coordination groups and meetings; ensures that relevant Security Council resolutions, Secretary-General’s reports and other United Nations official documents reflect the activities, challenges and needs of Justice Components; assists missions in mobilizing resources for their projects and programmes and keeps mission personnel apprised of significant developments at United Nations Headquarters.

The CLJAS Corrections Team advises and supports missions on substantive and operational matters and develops policy, guidance and training materials on correction matters. (See the DPKO publication “Corrections Update” Volume 1, October 2009 for more detail.)

The CLJAS Policy Cell is responsible for undertaking and coordinating the Service’s policy, guidance and training efforts. It also represents DPKO on matters related to rule of law, human rights and good governance. ▽

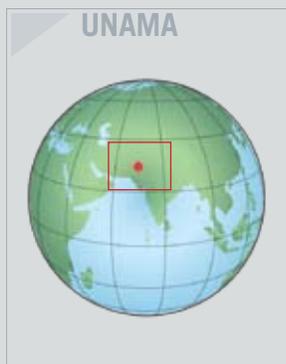
Afghanistan National Police guard the office of the Governor in Bamiyan Province. (UN Photo/Eric Kanalstein)



Justice Components in Action

A Sampling of Work Underway in United Nations Missions

Helping national authorities restore, restructure, rebuild and reform judicial institutions, legal frameworks and justice systems



United Nations Assistance Mission in Afghanistan (UNAMA)

The role of UNAMA's Rule of Law Unit was originally derived from Security Council resolution 1401 (2002), which referred to the Bonn Agreement, endorsed in resolution 1383 (2001): *"The Interim Administration shall establish, with the assistance of the United Nations,*

a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions." According to Security Council resolution 1868 (2009), UNAMA is mandated to *"support and strengthen*

The following principles

govern the work of Justice Components in assisting national authorities to strengthen their justice systems:

1. Base assistance on international norms and standards which reflect international human rights law, international humanitarian law, international criminal law and international refugee law.
2. Advance gender justice and ensure that the different experiences, needs and priorities of women, men, girls and boys are taken into account.
3. Undertake a coordinated, coherent and comprehensive approach with relevant actors within and outside the United Nations to strengthen the rule of law.
4. Ensure national ownership and support national reform constituencies, including governmental officials, traditional leaders, women, minorities, refugees and displaced persons, other marginalized groups and civil society.
5. Base assistance on the unique country context, including specific needs as identified by national actors, as well as the nature and condition of a country's justice systems (both formal and customary/traditional).
6. Address rule of law needs at the political level as the successful implementation of justice reforms requires not only technical expertise, but also political will and strategic vision.
7. Manage the expectations of national authorities as well as host country populations about resource limitations and the kinds of assistance that can be provided by Justice Components.

(From DPKO/DFS Policy on Justice Components in United Nations Peace Operations, December 2009, Ref. No. 2009.30)

efforts to improve governance and the rule of law and to combat corruption ... and to promote development initiatives at the local level”.

Rule of Law Unit Supports Legal Aid in Afghanistan

In a country where more than half of the population lives below or near the poverty level and 70% of the population

is illiterate, and with only 550 lawyers for a population estimated at 34 million, Afghan citizens are seriously disadvantaged before the courts, despite a constitutional right to defence counsel from the point of arrest, to be provided by the State in the case of indigence.

Legal aid services are provided by the Ministry of Justice and through NGOs (generally donor-funded). Criminal defence is something new for the

country, and the role of defence counsel is poorly understood, including by the courts. Defence counsel have difficulty gaining recognition of their right to appear before the courts, or to act freely on behalf of their clients, and are regularly threatened.

From its inception, UNAMA's Rule of Law Unit (which combines the Justice and Corrections Components of UNAMA) has supported the expansion and improvement of legal aid services in Afghanistan, in order not only to respect the rights of defendants, but also because a vibrant legal profession can be an effective driver of change within the justice institutions. At the national level, the Unit undertook a court observation project in 2007 to monitor adherence to fair trial practices and now co-chairs (with the Ministry of Justice) a working group of key national and international partners on legal aid and access to justice.

Since establishing its regional presence in July 2008, the Unit has used its coordination role to support expansion of legal aid services in Afghanistan's provinces, which have very few qualified lawyers. In mid-2009, at least five of Afghanistan's 34 provinces had no lawyer at all, and at least 10 had no legal aid services. The Ministry of Justice only had an office in Kabul with 15 lawyers at the time. Today the situation is improving and by late 2009 additional offices were being established, some with donor support.

Each UNAMA Rule of Law provincial team works to ensure that legal aid lawyers are represented in each province's justice sector coordination meetings, where the local justice sector actors regularly meet to improve their working relationships and resolve problems impeding justice sector functioning. This in itself is important as it helps the police, prosecutors, judges and other justice sector officials to better understand the legal aid lawyer's role

in civil and criminal cases, and gives those lawyers an opportunity to address issues they have with other justice sector departments to improve their ability to effectively represent clients.

The teams have also facilitated special coordination meetings between the legal aid lawyers and different sets of justice officials to resolve specific issues. Those meetings have assisted justice officials to see that legal aid lawyers not only function to represent their clients, but also assist the whole sector by providing additional case investigation, explaining the “other side of the case” to the courts and explaining the law to indigent defendants so that the police, prosecutors and judges need not serve that role.

Specific legal aid coordination meetings have allowed the Ministry of Justice and NGOs to coordinate their activities, plan joint programming and deal with problems together. Results from these meetings include planning and executing training programmes for legal aid lawyers to improve their skills, planning provincial legal aid directories that include the name and contact information for legal aid lawyers to be distributed to potential clients, and developing plans to improve coordination among lawyers to avoid duplicate client representation.

By coordinating donors to fund additional offices, equipment, travel expenses and lawyers for existing legal aid NGOs, the Provincial Justice Coordination Mechanism (PJCM) teams, as endorsed by the Government of Afghanistan and donors at the Rome Conference in July 2007 and launched by UNAMA/UNDP in the regions in July 2008, have helped expand the country’s existing expertise to provinces that have no or very few legal aid



UNAMA's Rule of Law Unit holds a meeting in Faryab on legal aid in December 2009. (UN Photo)

lawyers. For example, in January 2010, two PJCM teams organized a legal aid meeting for Samangan province —

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one of the poorest in Afghanistan, with only one legal aid lawyer for a population of over 320,000 — at which the Ministry of Justice and legal aid NGOs from larger neighbouring provinces pledged increased support for representation of indigent criminal defendants in Samangan.

In order to increase the number of legal aid lawyers, the teams also conduct programmes with the Law and Shari’a Faculties, supporting law clinics and moot court competitions

and giving presentations to their students, and so supporting efforts to prepare them for legal practice while exposing them to careers in legal aid. In January 2010, one team partnered with Nangarhar’s Provincial Reconstruction Team and Nangarhar University to conduct a full-day programme for hundred students, with presentations from high-level justice officials and lawyers to explain the importance of legal aid lawyers in rebuilding society and protecting citizens’ rights, so as to encourage them to choose legal aid as a career. The team is also working to establish paid internship programmes for some of these students at legal aid organizations. Other teams prepared a project proposal for establishment of law clinics at University Law Faculties, which can be adapted as need be for any faculty or any donor.

While it will be a long time before there are sufficient qualified lawyers to provide representation for all criminal defendants in Afghanistan, the growth of the legal profession as a whole and the legal aid sector in particular is a very positive development and one that UNAMA will continue to support. ▀

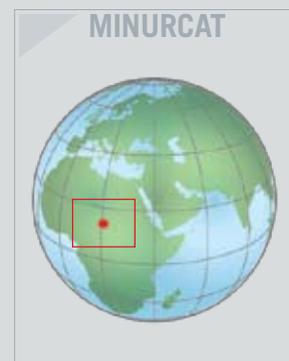
United Nations Mission in the Central African Republic and Chad (MINURCAT)

MINURCAT is mandated to “liaise with...the judicial authorities and prison officials in Chad and the Central African Republic to contribute to the creation of a more secure environment” and to “assist the Governments of Chad and...the [CAR] in the promotion of the rule of law, including through support for an independent judiciary and a strengthened legal system, in close coordination with United Nations agencies.” (Security Council resolution 1778 of 25 September 2007, op. paras. 2(b) and (g)).

Access to Justice, Tracking New Cases, Traditional Justice and Coordination

The Justice Component of MINURCAT, known as the Judicial Advisory Unit, facilitates access to justice for refugees

and internally displaced persons (in the eastern part of country) where it assists in organizing mobile courts with national judges and counsel being deployed to specific regions. In cooperation with the UN police service of MINURCAT, the Judicial Advisory Unit created a case-tracking mechanism which follows the cases of individuals arrested or detained by the *Détachement Intégré de Sécurité* (DIS), a national police force established with UN support to provide security for refugees and IDPs in eastern Chad, from the time of arrest/detention to final resolution of the case. The unit provides training on criminal law and procedure to DIS officers. Traditional justice mechanisms are widely used in eastern Chad and the Judicial Advisory Unit has organized workshops with actors of the formal and traditional justice mechanisms to foster rapprochement and



greater understanding of the different legal systems. To ensure effective collaboration between the various rule of law actors and assistance providers in eastern Chad, the unit facilitated the establishment of an inter-agency rule of law coordination mechanism under national leadership and with MINURCAT support. The Judicial Advisory Unit acts as the Secretariat of this inter-agency body. ▽



Members of the *Détachement Intégré de Sécurité* (DIS) on patrol with the United Nations police. (UN Photo/Olivia Grey Pritchard)



The Rule of Law Section of UNOCI organized this seminar in 2009 with local non-governmental organizations and the UN Division of Human Rights to promote legal instruments that will help safeguard the rights of Ivorians. (UN Photo/Basile Zoma)

United Nations Operation in Côte d'Ivoire (UNOCI)

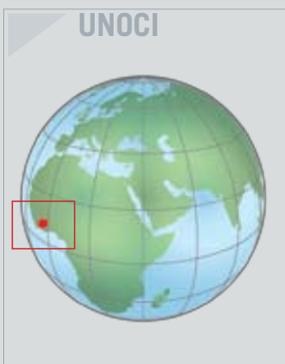
Security Council resolution 1739 (2007) of 10 January 2007, together with resolution 1865 (2009) of 27 January 2009, mandates UNOCI “[t]o assist the Government of Côte d’Ivoire in conjunction with the African Union, ECOWAS and other international organizations in re-establishing the authority of the judiciary and the rule of law throughout Côte d’Ivoire” (OP 2(m)). In support of the redeployment of State administration, UNOCI is tasked to “facilitate, with the assistance of the African Union, ECOWAS

and other international partners, the re-establishment by the Government of Côte d’Ivoire of the authority of the State throughout Côte d’Ivoire and of the institutions and public services essential for the social and economic recovery of the country” (OP 2(i)).

Rebuilding a Dynamic Justice System

The Justice Component of UNOCI, which comprises Judicial Affairs Officers and Corrections Officers and is called the Rule of Law Section, works to build capacity in the judicial and penitentiary systems throughout Côte d’Ivoire. Judicial Affairs Officers support the Ministry of Justice in developing their Strategic Plan for Justice System Reform. They provide technical advice and assistance on judicial matters, including on the voter identification process and appeals relating to the provisional voter lists, as part of

their support to the national electoral process. The section has engaged with donors to secure funding for key capacity-building and infrastructure programmes to strengthen the Ivorian legal and judicial system, in particular a global justice reform package amounting to Euro 18 million from the European Commission. The package comprises programmes to implement critical systemic improvements such as the amendment of criminal laws and procedures, the establishment of an office within the Ministry of Justice to vet and monitor the conduct of judges, the re-organization of the Registry, and the creation of a *Maison des Avocats*. The Rule of Law Section has also advocated with national authorities and senior mission management for the full redeployment of justice actors to the northern part of the country, to support the restoration of State authority and ensure access to justice throughout the country. ▽



United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)

Under paragraph 30 of Security Council resolution 1906 (2009), dated 23 December 2009, the Rule of Law Office (combining both the Judicial and Corrections components) of MONUC is tasked, within the framework of the Government's Stabilization and Reconstruction Plan and the United Nations Security and Stabilization Support Strategy, to provide support for "building effective rule of law capacity, including justice and corrections".

Promoting Rule of Law

MONUC Judicial Affairs Officers work closely with national and international actors to help strengthen democratic institutions and the rule of law. Their main activities are aimed at building

the capacities of justice system professionals, military and civilian, including training to address gender-based violence. The Rule of Law Office has also helped to organize the deployment of magistrates to their places of appointment and supported the High Council of the Judiciary to map the justice system and organize workshops for civilian and military justice personnel (magistrates, registrars, clerks of the court, secretaries of the office of the prosecutor, judicial inspectors and court bailiffs).

Partnerships

The United Nations Development Programme (UNDP) and MONUC have initiated the development of a joint justice programme for the period 2010-2012 in consultation with the



Congolese authorities and the United Nations Office on Drugs and Crime (UNODC). This programme will outline support required to the criminal justice chain in the Democratic Republic of the Congo, with a specific focus on stabilization activities in the eastern part of the country. It is expected that this programme, including specific project proposals, will be completed in 2010 and will be followed by joint donor appeals for contributions in Kinshasa and New York. ▽



Magistrates in front of the Goma (eastern DRC) Superior Court (Tribunal de Grande Instance) building rehabilitated with support of MONUC and the Rule of Law Office. (UN Photo)

United Nations Stabilization Mission in Haiti (MINUSTAH)

The original mandate for MINUSTAH in 2004 emphasized the need to develop a national strategy for rule of law reform and work towards institutional strengthening of the judiciary. In 2006, the Security Council set forth the mandate to provide assistance and advice to the Haitian authorities in monitoring, restructuring, reforming and strengthening of the justice sector. On 14 October 2008, Security Council Resolution 1840 set forth the need for MINUSTAH to continue supporting judicial institutions, specifically to modernize key legislation and implement the national justice reform strategy (in the context of the Poverty Reduction Strategy), improve court management, and reduce pre-trial detention rates.

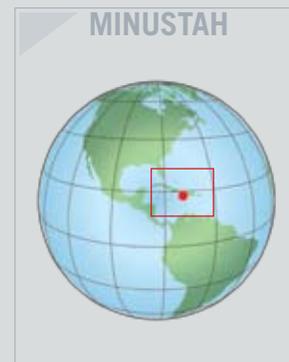
Earthquake

The Republic of Haiti was severely affected by an earthquake on 12 January 2010 with a massive loss of life and property, particularly in the capital. In addition to the critical humanitarian challenges facing the population, this event has severely impeded the capacity of the Haitian justice sector in Port-au-Prince and other affected areas. In Port-au-Prince, the Ministry of Justice and Public Security, the Court of First Instance and the Cassation Court were destroyed. In the capital, justice sector activities stopped for a number of days, but have since resumed operations. The Bar Association and Judge's Association rapidly became functional in spite of the losses of both personnel and infrastructure. The MINUSTAH Justice Section quickly began working with the Minister of Justice and Public Security to help with an assessment

of urgent needs, and also facilitated the recovery and protection of important judicial records by MINUSTAH military and police. Within days of the earthquake, and through close consultation with national authorities, short- and medium-term action plans to re-activate the justice and corrections sectors in Haiti were drawn up and shared with United Nations Member States.

On Going Work

Prior to the earthquake, 44 MINUSTAH Justice Section staff members provided technical assistance, day-to-day mentoring and logistical support to judicial actors and institutions throughout Haiti in order to ensure the normal functioning of and to address the serious challenges in the



Haitian penal process and judicial system. These challenges include: irregularities in judicial procedures, delays in case processing, a high rate of pre-trial detention, professional and institutional weaknesses, corruption and political interference.

Under national leadership (Ministry of Justice and Public Security) and with the joint support of MINUSTAH



Acting Special Representative of the Secretary-General for Haiti, Edmond Mulet (right), meets Chief Police Inspector of Cité Soleil in Port-au-Prince, Haiti. (UN Photo/Sophia Paris)



Left: The Justice Palace in Port-au-Prince before the 12 January earthquake. (UN Photo)

Above: After the earthquake the Haitian National Police securing it. (UN Photo/Logan Abassi)

and all its partners in the field of justice, which include the United Nations Development Programme (UNDP), the Organisation Internationale Francophonie (OIF) and assistance from Canada, the European Union, France, Sweden and the United States, the Justice Section has supported the following projects:

- Adoption in December 2007 of key legislation on the “independence of the judiciary” providing for the establishment of a:
 - » *Superior Council for the Judiciary,*

responsible for the administration, control, discipline, and career management of Haitian judges and prosecutors.

- » *School for Magistrates to provide adequate academic, professional and deontological training to current and future judicial actors.*
- » *Statute for magistrates, which includes revising the salary scale to an acceptable level.*
- Adoption and progressive buy-in of a three-year Justice Reform Plan within the Haitian PRSP, with main

priorities to reinforce the Ministry of Justice and Public Security and implement the above-mentioned laws.

- During the visit of the Security Council in March 2009, official inauguration of the School for Magistrates with on going on-the-job training sessions and an initial training programme scheduled to be launched in early 2010.
- Election, nomination and vetting of the future members of the Superior Council for the Judiciary.

- Establishment of 10 legal aid offices, which are expected to become an integral part of a national legal aid system under the responsibility of the Ministry of Justice and Public Security in all 18 jurisdictions.

- Engagement in the ongoing efforts to modernize criminal legislation.

Although the earthquake was devastating to both human life and infrastructure, the speed with which the judiciary was able to begin functioning again was a clear sign that the progress

made with the support of MINUSTAH's Justice Section was not lost. With renewed support from many United Nations Member States, MINUSTAH is continuing to work closely with national authorities to fully develop and consolidate a dynamic judicial system in the country. ▽

In memoriam

At the memorial held on 9 March 2010 at United Nations Headquarters Secretary-General Ban Ki-moon honoured the United Nations staff that died in Haiti. Here is an excerpt from his statement:

“Today, we commemorate the single greatest loss the UN has suffered in its history. We remember 101 lives of consequence. We honour 101 unique paths that joined in Haiti to write the larger story of the United Nations. These women and men were our own.

They were family. They came to Haiti from all corners of the world, from all walks of life. Yet they shared a common conviction, a belief in a better future for the people of Haiti, and a common resolve to help them build it. Now those 101 paths come together one final time, here in this chamber, through us — families and friends, colleagues and loved ones. The world knew them as trusted diplomats, dedicated humanitarians and conscientious professionals. They were doctors and drivers, police officers and policy advisers, soldiers and lawyers, each contributing to the mission, each in his or her own way. To us they were even more. We knew them, very personally. We knew their smiles, their songs, their dreams. ...”

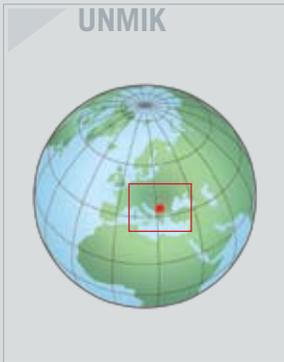


Looking forward

On 19 February 2010, DPKO's Criminal Law and Judicial Advisory Service and the Rule of Law, Justice and Security Team within the Bureau for Crisis Prevention and Recovery in UNDP made a joint presentation and appeal to Member States and other concerned partners about the need to rapidly provide assistance to Haitian judicial and corrections authorities. Despite the widespread devastation, Haitian authorities from the Ministry of Justice and Department for the Administration of Prisons (DAP), with assistance from DPKO Corrections and Judicial Affairs Officers, made a preliminary assessment of immediate needs in order to make it possible for the courts and corrections facilities to function for the coming months.

A follow-up meeting was held on 16 March in order to consolidate and coordinate assistance for this sector. These meetings were arranged before the donor conference that is being hosted by the United Nations and United States Government and is scheduled to take place at the end of March.

United Nations Interim Administration Mission in Kosovo (UNMIK)



To gather lessons learned from UNMIK's unique and robust engagement in the Kosovo justice sector, DPKO, OHCHR and the United States Institute of Peace initiated a lessons learned study to identify best practices and lessons from the Kosovo experience which will inform the implementation of rule of law mandates in future peace operations.

Security Council resolution 1244 (1999) of 10 June 1999 tasked UNMIK, inter alia, with “[p]erforming basic civilian administrative functions where and as long as required; [o]rganizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections; and [t]ransferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo’s local provisional institutions and other peacebuilding activities” (OP 11 (b), (c) and (d)).

Lessons Learned From an Executive Mandate

Over a decade of engagement in Kosovo as an executive authority, UNMIK’s Department of Justice deployed international judges and prosecutors to prosecute and try serious crimes and to build local judicial

capacity, and created Kosovo’s judicial architecture including the establishment of local judicial institutions such as the Ministry of Justice and Kosovo Judicial Council. Following the declaration of independence by Kosovo on 17 February 2008 and EULEX’s assumption of operational responsibilities in the rule of law area on 9 December 2008, UNMIK adapted its structure and profile through a reconfiguration process. In this context, the Department of Justice wound up its operations and UNMIK now retains a Rule of Law Liaison Office with mainly advisory functions.

To gather lessons learned from UNMIK’s unique and robust engagement in the Kosovo justice sector, DPKO, OHCHR and the United States Institute of Peace initiated a lessons learned study to identify best practices and lessons from the Kosovo experience which will inform the implementation of rule of law mandates in future peace operations. ▀



A meeting of personnel from UNMIK's Department of Justice, in Mitrovica, Kosovo. (UN Photo/Afrim Hajrullahu)

United Nations Mission in Liberia (UNMIL)

The role of UNMIL's Legal and Judicial System Support Division (LJSSD), as set forth in Security Council resolution 1885 (2009), includes assisting the transitional government in conjunction with ECOWAS and other international partners in developing a strategy to consolidate governmental institutions, including a national legal framework and judicial and correctional institutions.

Harmonizing Statutory and Customary Justice Mechanisms in Liberia

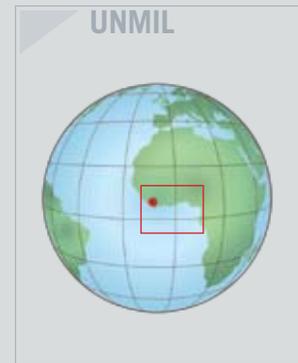
Liberia, like many post-conflict states, suffered a breakdown of law and order after 14 years of civil war. The war destroyed the institutional system and judicial infrastructure, greatly reduced the human resources and led to a total breakdown of law and order. The impact on the judicial system has led to the overcrowding of prisons and courts and to a serious lack of trained

police, prosecutorial and judicial officers. In many regions of the country there are no police stations, courts or correctional facilities.

Liberia subscribes to a dual legal system — statutory and customary — and has consistently, since its inception as a republic, failed to fully integrate the traditional system into the unified judicial structure irrespective of the constitutional provisions.

The customary/traditional legal system was not destroyed by the civil war and is protected by the Constitution, although some of the customary practices violate international law and standards and some interpretations of the Constitution are heatedly debated. Customary law is used by a large portion of the population of Liberia due mostly to its restorative judgment and most people are satisfied with the decisions handed down by customary courts and do not contest these verdicts.

Both systems — statutory and customary — are, however, dysfunc-



tional and need to be overhauled. A journey through the Liberian justice system beginning with the arrest of a suspect by the police to the rehabilitation of the convicted person in a correctional facility is full of obstacles. There is a problem of access to justice in both systems as the demarcation of where traditional (informal) justice or the statutory (formal) judicial authority commences and terminates remains unclear.

To improve access to justice and ensure a harmonious relationship between both systems, UNMIL through its LJSSD embarked on several projects, including pre-trial detainee case review, serious crimes case management, bail bond banking, and docket review, amongst others. The essence of these projects is to enhance the speedy dispensation of justice.

The objective of the pre-trial detainee case review and docket review is to put in place a mechanism for the identification of cases that require further investigation by the police, or those in which probable cause cannot be established (insufficient evidence for prosecution) and it is expected to file a *"nolle prosequi"* for the release of the detainee based on lack of evidence to prosecute. The

The James A.A. Pierre Judicial Institute to Build Local Capacity

In 2008, the Supreme Court of Liberia established the James A.A. Pierre Judicial Institute to train judicial officers and court personnel. The document leading to its establishment was the Steering Committee Judicial Training Institute Report of 30 November 2007 which recommended the constitution of a Board of Governors, created a mission statement and identified various tasks to be undertaken by the Institute towards its full realization. The UNMIL Legal and Judicial System Support Division was part of the Board of Governors from its inception. In 2009, the Board of Governors established two main priorities: the development of a Magistrates Training Programme and the continuation of quarterly training for judges and magistrates. This is a major milestone for improving the judicial human resource capacity of Liberia.



The UNMIL Legal and Judicial System Support Division in Kakata, western Liberia, in 2009. (UN Photo)

bail bond banking project makes provision for the payment of bail bond sums into an account to be retrieved by the accused upon the conclusion of the case. It helps to lessen the risk of corruption by judicial officers.

To specifically address the issue of lack of clear demarcation between the formal and informal system, the Division embarked on organizing a consultative forum on traditional justice in collaboration with the Carter Center, the United States Institute for Peace and George Washington University. The traditional consultations were conducted by the Legal Working Group which comprises lawyers from the Liberian National Bar Association, the American Bar Association, the Ministry of Justice, the judiciary, the Liberian Law School (Louis Arthur Grimes School of Law), and

Some of the issues raised by traditional leaders include fears of the erosion of their culture and traditional practices, the creation of a vacuum, thus their protest on parting with sassy wood (form of trial by ordeal), and the imposition of human rights standards.

the UNMIL Human Rights and Protection Section.

The Legal Working Group discussed the difficulties faced by both systems, then initiated a forum for dialogue with the traditional leaders from different counties. Some of the issues raised by traditional leaders include fears of the erosion of their culture and traditional practices, the creation of a vacuum, thus their protest on

parting with sassy wood (form of trial by ordeal), and the imposition of human rights standards.

The consultations centred on constitutional ambiguity, structure, procedure and the jurisdictional delineation of the two systems. All of these issues were discussed with the Chiefs who made their input as to what the system should be and how it should operate. These proposals formed the basis for the final report that was recently endorsed by the Legal Working Group and which will be presented at the National Conference on Traditional Justice scheduled for 26-28 March 2010 under the theme “Enhancing Access to Justice” currently being coordinated by the Government of Liberia with collaborative sponsorship from UNMIL-LJSSD, UNDP, The Carter Center and USIP. ▀

African Union/United Nations Hybrid Operation in Darfur — Sudan (UNAMID)

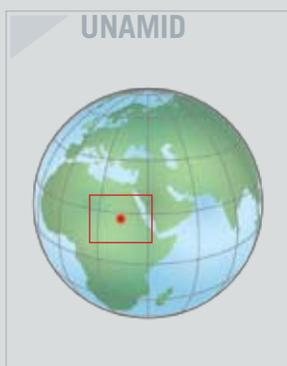
UNAMID's mandate derives from Security Council resolution 1769 in which it “decides that the mandate of UNAMID shall be as set out in paragraphs 54 and 55 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007” (S/2007/307/Rev.1). Paragraph 54 (g) set forth: “To assist in the promotion of the rule of law in Darfur, including

through support for strengthening an independent judiciary and the prison system, and assistance in the development and consolidation of the legal framework, in consultation with relevant Sudanese authorities.”

Training Programme for Would-be Lawyers in El-Geneina, West Darfur, Sudan

The Justice Component of UNAMID, which combines Justice and Corrections Components and is called the Rule of Law Section, works in collaboration with the United Nations Development Programme (UNDP) on a number of projects. One project successfully completed at the end of last year, which was aimed at increasing the capacity of the local bar association,

was a week-long training-of-trainers programme for trainee lawyers in El-Geneina, West Darfur, Sudan from 18 to 22 October 2009. The objective of the programme was to introduce trainees to adult learning principles and assist them to acquire skills in participatory training approach, with a view to creating a pool of trainers, who would in turn train local/community court judges in the future. At present there are 52 local/community courts in West Darfur. Each court is composed of between three to five non-legally trained members who were appointed by virtue of their vast knowledge of the customs of the locality. The members of the court are nominated by the Chief Judge and appointed by the state Wali. The court exercises both civil and criminal jurisdiction and can impose a sentence of up to three years



The Rule of Law Section of UNAMID donated school and sports equipment to the Shallah Juvenile Home, in El Fasher, North Darfur in early 2010. At the ceremony, held at the Shallah Juvenile Home, UNAMID and Save the Children–Sweden made contributions to aid the rehabilitation of young offenders and also to support underprivileged children. (UN Photo/Albert Gonzalez Farran)

imprisonment. The local/community courts in West Darfur are regulated and governed by the People's Court Law of West Darfur 2008.

The course content, which was prepared and presented by UNAMID's Rule of Law Section, included an introduction to adult training methodologies, planning a training needs assessment, developing training/lesson plans, dealing with individual differences and group dynamics in training, effective public speaking, training evaluation and training report writing skills. Since these newly graduated lawyers have legal knowledge but lack presentation skills, the course

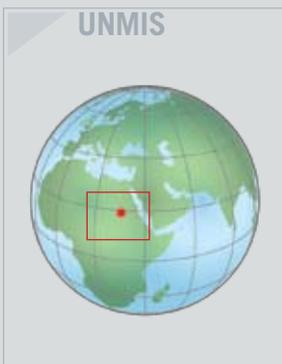
conveyed core principles, practice and skills to the beneficiaries and prepared them to train the end users who lack basic legal knowledge.

The programme was designed to build on a scholarship programme that UNDP created (the Bar Examination Project) to help trainee lawyers with preparations for the national bar examination in Khartoum. (Consequently, beneficiaries are expected to give back the knowledge acquired from the programme in return for the gains of the scholarship scheme.) Under the scholarship programme UNDP provides funding to cover teaching programmes in preparation for the

examination, as well as the cost of the examination itself and related expenses. UNAMID Rule of Law Section assisted with the preparation of the curriculum for the bar exam preparation and facilitated the air transportation of beneficiaries to Khartoum and back. The training programme fulfils an agreement between the Section and the Chief Judge of West Darfur for UNAMID to train local/community Court judges on alternative dispute resolution (ADR) skills such as mediation, reconciliation and arbitration. It is hoped that ADR trainings and legal aid services will expand throughout West Darfur as a result of these trainings. ▽

"Sustainable Peace
through Justice and Security"

United Nations Mission in the Sudan (UNMIS)



UNMIS' mandate derives from Security Council resolution 1590 of 24 March 2005. The resolution sets out under paragraph 4. a) viii. that UNMIS shall have the mandate to *"assist the parties to the Comprehensive Peace Agreement in promoting the rule of law, including an independent judiciary, and the protection of human rights of all people of Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to the Comprehensive Peace Agreement to develop and consolidate the national legal framework."*

Pooling Resources

The United Nations in Southern Sudan as well as donors and civil society representatives recognize the need for a system-wide approach and coherent support to the development of the justice and security sectors. In early 2010, the Justice and Security Sectors Advisory and Coordination Cell (JSSACC) was established within the Juba regional office of the United Nations Mission in the Sudan (UNMIS) with the overall goal to improve coordination towards a more consistent and effective support

of the Government of Southern Sudan in the areas of justice and security sector reform. The establishment of the JSSACC follows the request of the Government of Southern Sudan and stems from the recommendations of a 2008 DPKO technical assessment mission and a 2009 inter-agency support visit to Southern Sudan.

The JSSACC will ensure that justice and security issues are fully integrated in assessment, planning and programming activities, such as the Jonglei State Stabilization Plan and State development plans. The JSSACC will facilitate the coordination of existing and evolving support activities by mapping contributions and support plans, thereby identifying gaps and

The JSSACC will ensure that justice and security issues are fully integrated in assessment, planning and programming activities, such as the Jonglei State Stabilization Plan and State development plans.

preventing duplication. The JSSACC will also support the Government of Southern Sudan at the strategic, policy and working levels, bringing together key government institutions and international stakeholders. Nationally-led processes such as the Rule of Law and the Security Budget Sector Working Groups, the Prison Development Committee and the state-based rule of

law fora will be promoted, supported and consolidated to avoid relying on *ad hoc* coordination mechanisms. The JSSACC will further ensure that the linkages between justice, security, human rights and other aspects of rule of law are properly reflected in trainings for justice and security sector personnel.

It is anticipated that this new Cell will contribute to a more coherent and efficient support to justice and security sector development and enhance coordination amongst Government of Southern Sudan institutions, United Nations entities, civil society organizations and other international actors in support of nationally-owned and nationally-led reform processes. ▽



Residents of Abyei, Sudan celebrating a decision of the Permanent Court of Arbitration. (UN Photo/Tim McKulka)

United Nations Integrated Mission in Timor-Leste (UNMIT)

UNMIT's mandate to support the Timorese in addressing the causes of the current political crisis and achieving a successful transition to stability and development derives from Security Council resolution 1704 (2006). The resolution mandates UNMIT in Article 4 (f) to "assist, in cooperation and coordination with other partners, in further building the capacity of State and Government institutions in areas where specialized expertise is required, such as the justice sector; and to promote a compact between Timor-Leste and the International Community for coordinating Government, United Nations and other multilateral and bilateral contributors to priority programmes".

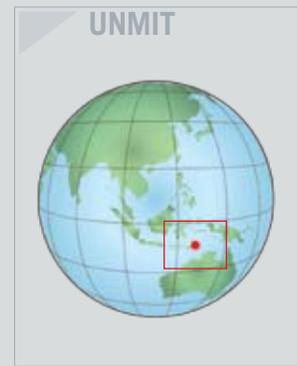
An Independent Needs Assessment of the Justice Sector in Timor-Leste

In the second half of 2009 a team of four international experts conducted an Independent Comprehensive Needs Assessment of the Justice Sector (ICNA) of Timor-Leste over a period of eight weeks. This assessment was facilitated by UNMIT in collaboration with the Government of Timor-Leste. The final report was delivered on 14 October 2009 and was distributed broadly to justice sector stakeholders. The purpose of the ICNA, based on Security Council resolution 1867 (2009), was to determine the extent to which the country's overall justice system is meeting the needs of the people of Timor-Leste, indicating accomplishments and remaining obstacles. The ICNA constitutes an important strategic planning tool that identifies needs and creates priorities for future action.

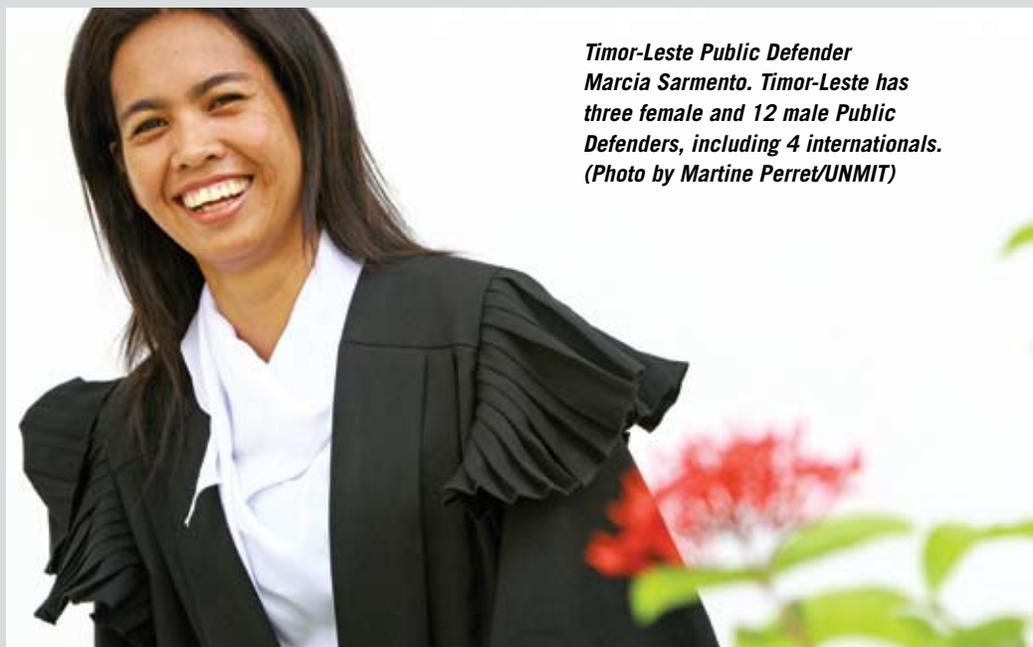
The report provided 144 specific recommendations in 13 thematic areas.

Overall, the report was well received by both national and international stakeholders and the recommendations were taken into consideration by the different judicial institutions. UNMIT provided comparative analysis of the ICNA recommendations, identifying gaps and areas of common interest to help focus discussions on priorities and map implementation timelines.

The ICNA report focused on the need for specialized training of legal personnel, strengthening institutions, building human resource capacity and programme capacities of the prison system, improving police-prosecution cooperation and establishing an effective legal aid system. Clear gaps were identified concerning strengthening judicial independence and the separation of powers; promoting professional responsibility; confronting impunity; enhancing accountability; improving access to justice for people living in districts outside of the main cities of Dili and Baucau and the need to strengthen mechanisms to protect women and children's rights.



Following the completion of the ICNA the Government engaged in a consultative process leading to the development of the first draft of the National Strategic Plan for Justice, which includes the corrections service, reflecting ICNA recommendations. On 12 February 2010, the Chief Justice, the Minister of Justice, the Deputy Prosecutor General, the Head of Public Defenders and all senior members of the Council of Coordination for the Justice Sector adopted a final draft, which is now before the Council of Ministers for final approval. Once the National Strategy is approved the UNMIT Justice Component and donor organizations will have a clear framework for future work in this sector. ▽



Timor-Leste Public Defender Marcia Sarmiento. Timor-Leste has three female and 12 male Public Defenders, including 4 internationals. (Photo by Martine Perret/UNMIT)

A mural in Port-au-Prince, Haiti graphically showing the important role that rule of law plays in developing stability. In the mural's foreground are UN peacekeepers helping Haitian authorities to build these structures. DPKO, UNDP and UNODC work together in Haiti on different aspects of the second set of pillars: Police, Justice and Prisons. (UN Photo/Marco Domingo)



The UN as One — Rule of Law Partnerships *Partnership in Action*

At Headquarters and in the field the Department of Peacekeeping Operations (DPKO) through the Office of Rule of Law and Security Institutions works closely with United Nations programmes, funds and agencies on joint projects and programmes to support host countries in strengthening rule of law in post-conflict settings. DPKO needs partners to pool resources, to avoid duplication and to make a long-term impact.

Peacebuilding through Justice

Rebuilding people's trust in the system of justice that protects and governs their society is increasingly recognized as an essential component of achieving sustainable peace in post-conflict countries. Last year, the

importance of the rule of law was recognized by Secretary-General Ban Ki-moon in his report on *Peacebuilding in the Immediate Aftermath of Conflict* as a reoccurring peacebuilding priority, which contributes to strengthening

democracy, respect for human rights, combating corruption and improving society's welfare.

To that end, the Peacebuilding Commission (PBC) and the Peacebuilding Fund (PBF), which are supported by the Peacebuilding Support Office (PBSO), assist national governments

through focusing attention and funding on projects that strengthen the rule of law by rebuilding courts, training prosecutors, judges and defenders, strengthening prisons, promoting human rights and improving people's access to justice in more than a dozen countries.

To date the Peacebuilding Commission has prioritized rule of law projects in Burundi, Guinea-Bissau, Sierra Leone and the Central African Republic, all countries on the PBC agenda. The PBC is a unique structure with 31 elected members: seven each from the General Assembly, the Security Council and ECOSOC, and five members from each of the biggest funding contributors and the top providers of military personnel and civilian police to UN missions. The PBC provides a discussion forum for UN Member States to coordinate and direct the international community's resources in post-conflict countries. Rule of law issues are of recurring interest to the PBC.

When Burundi came onto the PBC agenda in 2007, improving access to justice was listed in the country's Priority Plan. The PBF provided initial funding to kick-start this work by supporting a project to bolster judicial resources to enable courts to hear trials and implement sentences. It also supported the

establishment of the Independent National Commission of Human Rights to combat impunity and promote a culture of peace.

As in Burundi, strengthening the rule of law was also included in the PBC's Priority Plan for Sierra Leone. The PBF complements this and aims to increase transparency and accountability through strengthening courts' capacity to hear and adjudicate existing cases quickly, thus improving access to justice in the capital Freetown and the regions. The PBF also supported the establishment of Sierra Leone's Human Rights Commission.

In addition to countries on the PBC agenda, countries considered at risk of lapsing or relapsing into conflict may also be eligible for PBF funding to support rule of law initiatives. The PBF is an innovative funding tool that supports the UN system by funding projects that will make a difference to the long-term development of the nation's justice sector. By allocating funds to United Nations departments, agencies, funds and programs, as well as NGOs, which act as implementing agencies on its behalf, PBF resources broaden partnerships between the United Nations and others, which ultimately benefits the host country. The

PBSO works with OROLSI to coordinate this work.

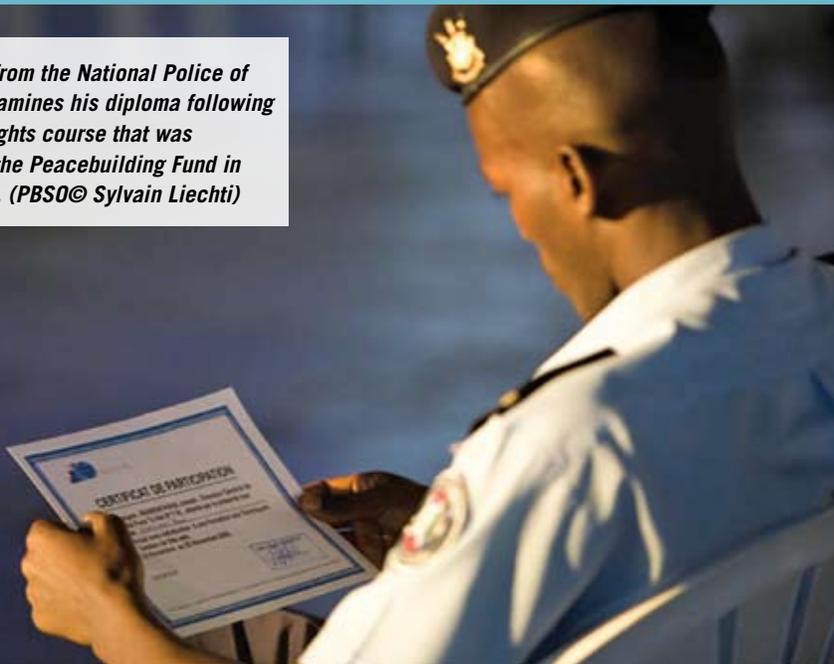
Importantly, the PBF provides "catalytic support" for peacebuilding projects, which means it is able to provide an initial and fast injection of funds to get a programme established until such time that larger funding mechanisms, such as the bilateral or multilateral support or funding from international financial institutions, kick in.

The PBF has also supported rule of law initiatives in Liberia, Haiti and Nepal. In Liberia, the PBF supported rebuilding the judiciary in Monrovia and the Grand Bassa and Maryland counties. The projects focus on initiatives to improve prosecution and defence capacity, improve the country's prisons, support the development of human rights and to investigate and prosecute sexual violence offenders to increase women's access to justice. The work is done in partnership with national bodies, United Nations departments, agencies, funds and programs and civil society thus threading together the various skills and resources available within Liberia. In Nepal, the PBF supported transitional justice projects. In Haiti, the PBF supported prison refurbishment.

In 2010 the PBC will be reviewed to assess its progress since it was established five years ago. The 2010 Review will also chart its future direction to ensure that it can comprehensively support the United Nations' peacebuilding agenda. In late 2009, improved guidelines for how the PBF allocates funding were launched. During 2010, the PBF will continue to seek out projects and initiatives that support national governments to strengthen the rule of law by providing fast, relevant and catalytic funding. ▽

For more information on the PBC, the PBF and the PBSO, please see www.un.org/peacebuilding.

An officer from the National Police of Burundi examines his diploma following a human rights course that was funded by the Peacebuilding Fund in Bujumbura. (PBSO© Sylvain Liechti)



Joint Projects

The Department of Peacekeeping Operations works with many Member States and external organizations on rule of law issues. Within the United Nations, the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) are the lead UN entities for rule of law in the following areas:



OHCHR is the lead entity for transitional justice, the integration of international human rights standards across all areas and monitoring.

DPKO



UNDP is the global lead for strengthening national justice systems and institutions in the context of long-term development and has a specific lead in the peacekeeping context on issues of civil law (as opposed to criminal law) and court administration.



UNODC is the lead entity for victim and witness protection and assistance. It is also the lead for creating a strategy to combat corruption, organized crime, transnational crime, trafficking and drugs.

DPKO with the Office of the High Commissioner for Human Rights (OHCHR)

United Nations Rule of Law Indicators Project — The United Nations Rule of Law Indicators Project was launched in June 2008 as a joint initiative between DPKO (CLJAS and Police Division) and OHCHR. The objective of the project is to develop indicators which can be used to identify the strengths of, and challenges faced by, the rule of law sector in a given country in order to assist national authorities in their rule of law reform efforts. Once developed, the indicators will be used to obtain information on law enforcement agencies, the judicial system, the correctional service and the transformation of these institutions over time.



operations. The programme is expected to be ready for pilot delivery in mid 2010. OHCHR has drafted the training module for the session on transitional justice, and will also provide inputs into other modules.

Policy on Justice Components in United Nations Peace Operations — CLJAS benefited from OHCHR's assistance in the formulation of the "DPKO/Department of Field Support (DFS) Policy on Justice Components in United Nations Peace Operations".

The policy will help to further strengthen the already close relationship between the Justice Components and human rights components in United Nations peace operations.

Training programme for Judicial Affairs Officers — CLJAS is currently developing a one-week training programme for Judicial Affairs Officers deployed to United Nations peace

Interim Standard Operating Procedures on Detention by United Nations Peace Operations — Since January 2008, DPKO has been working very closely with OHCHR and other partners on the development

of the DPKO/DFS Interim Standard Operating Procedures on Detention in United Nations Peace Operations, which is intended to reinforce the need to ensure proper standards of care for persons detained by United Nations personnel. OHCHR's contributions have been invaluable in ensuring that this document is consistent with international human rights standards. These procedures were finalized and issued at the end of 2009.





Above: DPKO CLJAS organized its annual heads of Justice and Corrections Components in Morocco in January 2010. Participants included specialists from the United Nations Development Programme. (UN Photo)

Sudan/Darfur — The Justice Components in the United Nations Mission in Sudan (UNMIS) and the African Union/United Nations Hybrid Operation in Darfur (UNAMID) have been working closely with the human rights components to advocate with the Government of National Unity for adequate amendments to the National Intelligence and Security Service Bill to ensure that the security services operate under the rule of law and are committed to respect human rights. The current draft bill could provide a legal umbrella for continuous human rights abuses by the security forces in Northern Sudan and threatens to undermine the free exercise of political rights during the upcoming elections and referendum and is therefore in clear contradiction to the spirit of the Comprehensive Peace Agreement. ▽

Photo at left: Navanethem Pillay, United Nations High Commissioner for Human Rights. (UN Photo/Pierre-Michel Viot)

DPKO with the United Nations Development Programme (UNDP)

Team of Experts on Sexual Violence in Armed Conflict — DPKO, represented by CLJAS, is co-chairing the process with UNDP and OHCHR to develop, establish and make operational a team of rule of law experts on sexual violence and armed conflict who could be rapidly deployed by the Secretary-General to “situations of concern” as set out in Security Council resolution 1888 (September 2009).



Chad — In January 2010, the United Nations Mission in the Central African Republic and Chad (MINURCAT) and UNDP completed a month-long training programme for 75 local civil servants aimed at boosting the number of professional magistrates in eastern Chad. The training programme is expected to enhance an impartial, independent and credible justice system in the region, where 256,700 Sudanese refugees from the Darfur conflict, 168,000 Chadian displaced persons and approximately 150,000 people in host villages live in close proximity.

Democratic Republic of the Congo — see page 11, MONUC.

Haiti — The United Nations Stabilization Mission in Haiti (MINUSTAH) and UNDP are working together to develop a joint programming framework for Rule

of Law and Security. The framework includes joint planning and prioritization; joint resource mobilization; co-location where possible and desirable; and joint review of activities at technical level. The project aims, which are being reviewed in light of new needs as a result of the earthquake are: (i) supporting the delivery of justice and security services in five critical provincial areas (Jacmel, Port de Paix, Fort Liberté, les Cayes and Gonaïves); (ii) strengthening national capacities to design and implement policies on justice, prison and police matters; and (iii) promoting an integrated approach to violence reduction at the community level.

Liberia — The United Nations Mission in Liberia (UNMIL) and UNDP have collaborated on six projects, including a workshop for civil society organizations on project proposal writing and management, in Gbarnga City, Bong County; projects on supporting public defenders and prosecutors; legislative drafting; the Judicial Institute and the Non-Lawyers (Paralegal) Programme.

Sudan — On the basis of the Rule of Law, Justice and Security Assessment of Jonglei State in June 2009, which was carried out by the United

Nations Mission in Sudan (UNMIS) and UNDP with substantial input from CLJAS and the Security Sector Reform unit of DPKO, UNMIS and UNDP are developing a Joint Justice Programme in Jonglei State, Southern Sudan. The purpose of the Joint Programme is to assist the Government of Southern Sudan to strengthen the rule of law and civilian governance at the county level and will focus on: (i) developing the institutional capacities of rule of law institutions to deliver justice services, supporting them to establish a presence in Akobo and Pibor counties in Jonglei State; (ii) complementary efforts at the community level to increase access to justice for civilian populations within a human rights-based framework; and (iii) supporting the coordination of justice and security mechanisms. ▽



Cattle grazing in Jonglei, Southern Sudan. Cattle are used as compensation to settle disputes in this region. (UN Photo)

DPKO with the United Nations Office on Drugs and Crime (UNODC)

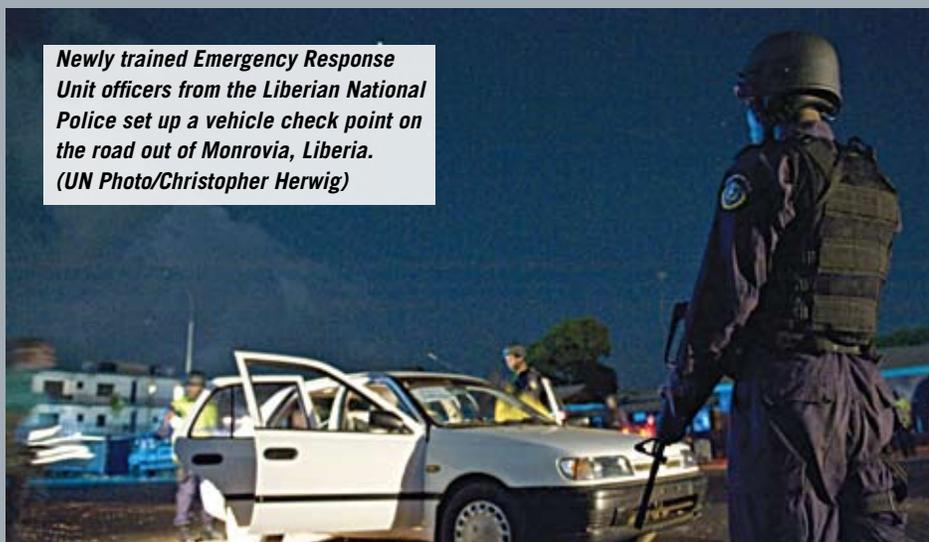


A Guide on Strengthening Judicial Integrity and Capacity — In November 2009, CLJAS participated in an Expert Group Meeting led by UNODC in Bologna, Italy, to provide input on a draft UNODC

Guide for Strengthening Judicial Integrity and Capacity in both post-conflict and development settings. The *Guide* represents the joint work of the American Bar Association and the Istituto di Ricerca sui Sistemi Giudiziari-Consiglio Nazionale delle Ricerche. The *Guide* will be launched in April 2010.

Haiti — In 2009, UNODC, with the support and assistance of CLJAS, deployed a professional programme manager to the Justice Component of the United Nations Stabilization Mission in Haiti (MINUSTAH) to work on cross-cutting issues related to efforts to strengthen Haiti's capacity in counter-narcotics and anti-corruption.

Liberia — In August 2008, UNODC participated in a CLJAS-led joint technical assessment mission to Liberia. In addition to providing expertise in anti-corruption and strengthening of national security institutions, UNODC sought to explore the possibility of eventually deploying a small team of experts to work jointly with the United Nations Mission in Liberia (UNMIL), UNDP and other members of the United Nations country team to enhance counter-narcotics capacity and strengthen border security against transnational criminal elements. ▽



Newly trained Emergency Response Unit officers from the Liberian National Police set up a vehicle check point on the road out of Monrovia, Liberia. (UN Photo/Christopher Herwig)

Expanding Capacity

The Need for a Standing Justice and Corrections Capacity

DPKO established a small Standing Police Capacity (25 Officers) in 2007 in order to be able to deploy senior police officers to new or existing missions within seven days. Over the last three years, this tool has been used to start up the police service in Chad (MINURCAT) and to deploy quickly to help political missions in Somalia, Guinea Bissau and Afghanistan. Most recently more than half of this Capacity was deployed to Haiti (MINUSTAH) following the earthquake on 12 January.

Police are one important pillar of rule of law, with justice and corrections as the other two legs that create a comprehensive system that can stand on its own. When the United Nations deploys peacekeepers, it is important from the start that the operation takes a holistic approach to the rule of law, and that it can quickly make contact with national police, judicial and penal authorities in order to assess the post-conflict needs and obstacles to restoring law and order.

DPKO has learned over the last 10 years that finding qualified candidates for these types of missions takes time. Even after they have been identified the recruitment process can delay deployment by months. An

“We need reliable capacities and capabilities in a range of sectors, including rapidly deployable civilian capacities accompanied by adequate resources. In this regard we are seeking to expand the capacity of the Standing Police Capacity complemented by small justice and corrections expertise. Making sure we have the right tools requires continuous and constructive dialogue between the Secretariat, the Council and the troop and police contributing countries.”

— Remarks of Under-Secretary-General Alain Le Roy, Security Council debate on transition and exit strategies, 12 February 2010

expert standing capacity would enable DPKO to take on the early deployment tasks and then hand over as suitable personnel are recruited and sent to the mission.

There is a growing consensus within the United Nations that a standing judicial and corrections capacity is essential. The 2008 Report of the Panel of Experts on the Standing Police Capacity, the 2009 report of the Secretary-General on peacebuilding, the 2009 G8 report on Peacekeeping/ Peacebuilding and the September 2009 Ministerial Declaration on Peace and Justice by the Human Security Network all endorse the establishment of such a capacity. In 2009, the senior leadership of DPKO and the Department of Field Support (DFS) stated their support for the creation of this capacity, to provide the full support to host countries as mandated and within the time frame set by Security Council resolutions. ▽

Construction workers hoist a monument of peace sculpture, as the construction of the Capital Master Plan begins at the United Nations Headquarters. (UN Photo/Eskinder Debebe)



The DPKO Rule of Law Community of Practice Network

CLJAS operates the Rule of Law Community of Practice, an Internet-based rule of law forum. The aim of the network is to improve the collection, dissemination and retention of knowledge across field missions on rule of law issues and to keep members updated on major developments in the area of rule of law assistance. The network is an Internet-based platform to support and facilitate field and Headquarters staff in interacting with colleagues worldwide, and in accessing and exchanging documents, best practices and information on major events, workshops, training and job opportunities.

The CLJAS network connects approximately 500 members and features a formalized query system. Queries submitted are shared with all network members. Their responses and input are consolidated by the network's

facilitator. The consolidated reply to the query is distributed through the network and uploaded to the network's database, a repository of knowledge and lessons learned in the area of rule of law development assistance. The database contains over 60 consolidated replies on a variety of justice, police, corrections and cross-cutting topics, including: models for judicial disciplinary mechanisms; facilitating the establishment of an independent bar association; training for paralegals and legal aid mechanisms; models for firearm legislation; guidance manuals for legal system monitoring; templates for police reports; prisoner complaint mechanisms; special police units for gender and juvenile justice; and models/best practices for community-based restorative justice.

The network also features an electronic library with over 1,250 docu-

ments and 220 Internet links (websites, databases, and institutions) as well as a monthly newsletter. Membership in the DPKO Rule of Law Community of Practice is limited to staff in the common United Nations system, as many of the shared documents are subject to United Nations rules and regulations of confidentiality. To become a member of this network, please send an email to dpko-ruleoflawnetwork@un.org.

The network collaborates closely with the International Network to Promote the Rule of Law (INPROL), which also facilitates information exchange on strengthening the rule of law in post-conflict and development environments. Participation in INPROL is open to all interested practitioners and academics. The website for the organization is www.inprol.org and the registration page can be accessed directly at www.inprol.org/user/register. ▀

Training Judicial Affairs Officers

Approximately 180 Judicial Affairs Officers are currently deployed in United Nations peace operations to assist host countries to strengthen their legal and judicial systems. Supporting the transformation of a justice system in a post-conflict environment is a challenging task requiring unique skills, cultural sensitivity and specialized expertise. DPKO and other United Nations partners have developed important policy, guidance and reference materials for this work. Building upon this foundation, a comprehensive training programme for Judicial Affairs Officers deployed to United

Nations peace operations is necessary to ensure the highest standards.

With assistance from the Canadian Government, CLJAS is developing a comprehensive training programme for Judicial Affairs Officers to enhance their substantive knowledge and performance. The training programme, developed following an assessment of training needs and based on existing training and policy materials, is scheduled to be completed in June 2010.

The training will focus on:

- Rule of law in peacekeeping;

- United Nations principles on rule of law assistance;
- International law;
- Comparative justice systems;
- Transitional justice;
- Soft skills (personal attributes that enhance an individual's interactions, job performance and career prospects);
- Key functions of Justice Components in United Nations peace operations such as mapping and monitoring of the justice sector; assisting in the development of

The Ideal Judicial Affairs Officer

Critical to the success of any Justice Component in a United Nations peace operation is the deployment of highly-qualified Judicial Affairs Officers. Judicial Affairs Officers come from a variety of backgrounds, including judges, prosecutors, defence lawyers, legal advisers and law professors. There is no one-size-fits-all profile but there are certain qualifications that the United Nations seeks. These include the possession of an advanced law degree, professional legal experience particularly in criminal justice, experience in providing technical legal assistance, knowledge of different legal systems and mechanisms, familiarity with international human rights standards and strong interpersonal skills. Given the daily challenges present in a peacekeeping context, it also helps to be flexible, well organized and sensitive to diverse cultural and historical contexts. Working experience in the framework of a peace operation or in a post-conflict setting is an asset. United Nations peacekeeping prides itself on the strength and diversity of its international staff members and candidates who meet the requirements are strongly encouraged to apply, especially women and French-speakers. Mission mandates in peacekeeping vary widely and there is always a need for a broad range of expertise, including in children and justice, gender justice, anti-corruption, law school development and military justice. More information about employment opportunities in United Nations peacekeeping can be found at www.un.org/en/employment/.

- national judicial reform strategies; providing technical assistance to national counterparts and coordinating rule of law assistance;
- Substantive areas of support such as legal and constitutional reform, institutional reform (basic infrastructure, court administration and management and oversight/accountability of justice sector institutions), capacity development (legal education and professional training of national actors), and access to justice (traditional justice systems, support of defence bar and working with civil society);
- Justice Component management and relationship with United Nations Headquarters including overview of

- strategic planning, external reporting, resource mobilization and project management, and
 - Organizational structure, joint programming, coordination and linkages with other United Nations and non-United Nations rule of law assistance providers.
- The training programme will consist of approximately 20 modules, which can be tailored to the participants' particular training needs. In addition, the training programme will include a one-day simulation. As the training programme will provide opportunities for the exchange of experience and cross-fertilization of ideas, it will be developed and delivered with a focus on imparting practical

knowledge and strengthening the capacity of Judicial Affairs Officers to provide technical advice and to support rule of law work.

Once the training programme is developed, the training courses will be co-hosted and facilitated jointly by CLJAS and the non-governmental organization Zentrum für Internationale Friedenseinsätze, with the support of the German Government. The training will be conducted in various peacekeeping training institutions in close proximity to duty stations of United Nations mission personnel. CLJAS, working closely with the DPKO Integrated Training Service, will network with interested peacekeeping training institutions based in Kenya, Ghana, Tanzania, Egypt and South Africa. ▸

Learn more:
OROLSI *i*-Directory

- Department of Peacekeeping Operations
<http://www.un.org/en/peacekeeping/dpko.shtml>
- Office of Rule of Law and Security Institutions
<http://www.un.org/en/peacekeeping/orolsi.shtml>
- Police Division
<http://www.un.org/en/peacekeeping/sites/police/>
- Mine Action Service
<http://www.mineaction.org/>
- Criminal Law and Judicial Advisory Service
<http://www.un.org/en/peacekeeping/cljas.shtml>
- Disarmament, Demobilization and Reintegration Section
<http://www.unddr.org/partners.php?id=5>
- Security Sector Reform Unit
To be launched in 2010
- OROLSI on the Intranet (Internal to the UN system)
<http://intranet.dpko.un.org/dpko/pages/OfficeDetails.aspx?officeid=10>

JUSTICE

Update

definitions

Rule of Law – A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency. (As defined in the Report of the Secretary-General, *Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, 23 August 2004, S/2004/616)

Justice System – The laws, processes and institutions in a particular jurisdiction related to the administration of justice. The laws consist of the constitution or its equivalent and the legal framework, and include all aspects of law-making. The processes include both formal and informal processes. The institutions are comprised of both official and non-official institutions, such as the ministry of justice, the courts, prosecutor's offices, defence counsel, attorneys and customary or traditional justice mechanisms. Justice systems are often classified as civil law, common law, religious law (such as Islamic law) or mixed systems. (As defined in the "DPKO/DFS Policy on Justice Components in United Nations Peace Operations", December 2009, Ref. No. 2009.30)

Justice Component – The component of a peace operation which has primary responsibility for carrying out the mission's mandate to assist national authorities in strengthening justice systems. Justice Components are commonly named "justice units/sections", "judicial advisory units/sections" or "rule of law units/sections". In some peace operations, the justice and corrections components are located within the same office; in other peace operations, they operate as two separate offices. Justice Components may also be part of a mission's joint human rights and justice component. Justice Components are distinct from legal affairs components of peace operations, which serve as in-house counsel to the missions and address such issues as the legal status of the mission, privileges and immunities, contracts and boards of inquiry. As defined in the "DPKO/DFS Policy on Justice Components in United Nations Peace Operations", December 2009, Ref. No. 2009.30. For detailed information on the activities of corrections components in United Nations peace operations and CLJAS support, please refer to the DPKO Corrections Update, October 2009.