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This *Update* is produced by the Criminal Law and Judicial Advisory Service (CLJAS). CLJAS is part of the Office of Rule of Law and Security Institutions (OROLSI) within the United Nations Department of Peacekeeping Operations (DPKO).

We promote the rule of law by addressing issues related to both justice and prison systems in conflict and post-conflict environments through United Nations peacekeeping and special political missions. This *Update* highlights the important work of justice and corrections components working in peace operations around the world.



MINUSCA / N. Markogiannis

United Nations vehicles moving through the streets of the Central African Republic.

FIGHTING IMPUNITY IN THE CENTRAL AFRICAN REPUBLIC

On 22 April 2015, the National Transitional Council (CNT) of the Central African Republic (CAR) passed a law to establish a Special Criminal Court (SCC). Consistent with the Memorandum of Intent between the Government of CAR and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) of August 2014, the SCC will have jurisdiction throughout CAR to investigate and try serious crimes, including serious violations of human rights and international humanitarian law. Such crimes will include conflict-related sexual violence and grave violations of the rights of the child, such as the recruitment and use of children in armed conflict.

The SCC will be a national court, with a mix of national and international magistrates, investigators and staff, and an international Chief Prosecutor. The CAR Code of Criminal

Procedure will apply to all proceedings. The law on the SCC specifically excludes the death penalty.

MINUSCA's Justice and Corrections Section (JCS) was closely involved in the development of the law establishing the SCC. It actively monitored the progress of the law through the transitional parliament, advocated for key provisions and responded to enquiries from the CNT's Laws Committee and others. The JCS is engaging with civil society and the national legal community to promote awareness of the SCC's important mandate.

United Nations Headquarters and MINUSCA are supporting the CAR Government to mobilize donors to resource the SCC. In addition to financial and material contributions, there will be opportunities for Member States to second magistrates and other expert staff to the court. ■

“ SUSTAINABLE PEACE THROUGH JUSTICE AND SECURITY ”

<http://www.un.org/en/peacekeeping/issues/ruleoflaw>



UNPOL Operation in Boyrab.

RE-ESTABLISHING LAW AND ORDER IN THE CENTRAL AFRICAN REPUBLIC

The Security Council has mandated the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to employ Urgent Temporary Measures (UTM) to maintain basic law and order and fight impunity. Within the limits of its capacities and areas of deployment, and at the formal request of the CAR Transitional Authorities, MINUSCA may use UTM on an exceptional basis in areas where national security forces or judicial authorities are not present or operational. In this context, MINUSCA military and police personnel have arrested and detained individuals in the past months.

A MINUSCA task force is coordinating the arrest, detention and transfer of suspects to national authorities. By 26 March 2015, MINUSCA had arrested 303 individuals, including 24 accused of having committed serious crimes. All of these individuals

were handed over to national police or gendarmerie; personnel from the Justice and Corrections Section (JCS) of MINUSCA are advising national magistrates handling the most sensitive of these cases. In addition, MINUSCA helped to transfer a senior Lord's Resistance Army commander, Dominic Ongwen, to the International Criminal Court in The Hague.

MINUSCA and the United Nations Country Team are also coordinating international assistance for criminal court sessions in Bangui. These are the first such sessions to be held in CAR since 2010. The JCS is assisting with the re-opening and functioning of courts and working with national justice counterparts to ensure that fair trial guarantees are respected.

In addition, the JCS is supporting CAR authorities to rehabilitate prisons throughout the country, and to limit and reduce the number of illegal detentions. ■

UNITED NATIONS HOLDING FACILITIES IN SOUTH SUDAN

Since December 2013 and as a result of the ongoing conflict in South Sudan, more than 118,000 internally displaced persons (IDPs) have sought protection within United Nations Mission in the Republic of South Sudan (UNMISS) protection of civilians (PoC) sites. The influx of such large numbers of IDPs into relatively small camps resulted in an increasingly chaotic environment. In order to maintain security within these PoC sites, under the Mission's PoC mandate, UNMISS established holding facilities for IDPs suspected of being involved in incidents that pose a threat to the security of the IDP population in PoC sites. Four such holding facilities were constructed in Juba, Malakal, Bentiu and Bor to detain persons for up to 72 hours in accordance with the DPKO/DFS Interim Standard Operating Procedures on Detention in United Nations Peace Operations, which allow for a preliminary review of cases by the Mission, prior to handing them over to national authorities.

The refusal of the Government of South Sudan to accept jurisdiction over these cases since June 2014 and the absence of civilian justice authorities in Malakal, Bentiu and Bor have resulted in the majority of cases being directed to community-led mediation mechanisms functioning within the PoC sites. For those cases considered significant or serious, detainees have been held in long-term detention, and have had their cases reviewed by an UNMISS committee in order to ascertain the risk posed to the PoC population and the

LAND RIGHTS IN AFGHANISTAN

The Rule of Law Unit in the United Nations Assistance Mission in Afghanistan (UNAMA) is assisting national authorities to strengthen the Afghan land distribution system and to implement broader land reforms.

On 24 March 2015, UNAMA presented a report at the annual World Bank Conference on Land and Poverty in Washington, DC. The report canvasses weaknesses in the Afghan land distribution system and recommends the development of a comprehensive State land distribution policy and increased transparency. It is the second in a three part series of reports. UNAMA's first report analysed the legal framework of Afghan land administration and management; a third report, comprising case studies, is expected to be published in late September 2015.

At a workshop hosted by UNAMA and the United Nations Development Programme (UNDP) in Kabul on 7 April 2015, UNAMA's Deputy Special Representative of the Secretary-General (DSRSG) highlighted the endemic nature of "land grabbing", noted that many senior government officials have been implicated in illicit

land business and pledged UNAMA's support to address this issue. The Acting Minister of Justice, Chief Executive Officer of the Afghanistan Independent Land Authority and other high-level national representatives affirmed their commitment to criminalizing land grabbing and enforcing penalties. The DSRSG's workshop comments were televised nationwide. UNAMA has also produced radio programmes to expand awareness and support for land reform.

The absence of a fair and regulated property system in Afghanistan has detrimentally impacted revenue streams, development, infrastructure projects and security for many years. The commitment of Afghanistan's newly-formed unity government to address illegal land usurpation and distribution is therefore a very important and positive step. UNAMA's Rule of Law Unit will continue to engage relevant stakeholders and to monitor and evaluate developments in this area. ■

The three part series "Stolen Lands of Afghanistan and its People" can be found at <http://unama.unmissions.org> under "Key Documents and Reports".



CLJAS/M. Langelaar

Holding facility in Malakal.

detainee, if released. For those held in long-term detention, the Mission continues to work with NGOs, community leaders and national authorities to find solutions to their long-term detention status.

Since the establishment of the first holding facility in Juba in May 2014, a total of 1,498 persons, including 77 women, have been detained. As of 21 April 2015, 39 detainees were being detained.

The UNMISS Corrections Section, comprised of both professional and government provided corrections personnel and reporting to the UNMISS Police Commissioner, has assumed the responsibility of managing these detention facilities. Managing the administration, operations and security of these facilities continues to be a challenge and is a significant shift from the Mission's previous capacity-building mandate. More than ever, there is a need for specialized government provided prison personnel with expertise in prison security and operations in order to enhance the safety and security of the holding facilities. CLJAS continues to reach out to Member States to nominate such personnel. ■



UNAMA/E. Kanstein

Afghan farmer harvesting his crops.

CONSOLIDATING THE RULE OF LAW IN GUINEA-BISSAU

Since Guinea-Bissau attained independence in 1974, the former Portuguese colony has been marred by political instability, frequent coup d'états and widespread impunity for gross violations of human rights. The successful holding of democratic elections in 2014 marked a turning point for the West African country: since its return to constitutional order, Guinea-Bissau has embarked on a path to consolidate peace, democracy and the rule of law.

facilitated the Annual National Criminal Justice Forum, a platform to enable coordination and strategic planning in this area. CLJAS has assisted UNIOGBIS to identify strategic and operational priorities in the justice and corrections sectors.

To support these important and positive developments in Guinea-Bissau, in late March 2015 the international community pledged more than one billion euros for the implementation of the Government's

GOVERNMENT-PROVIDED PERSONNEL (GPPs)

There are currently a total of 265 authorized government-provided corrections personnel and 45 authorized government-provided justice personnel across all missions. GPPs are experts nominated by their Government to provide a range of specialized functions, for which expertise is required that is generally found only in government services and thus most effectively drawn from Member States.

GPPs bring a wide range of expertise to peace operations, including in military justice and prosecutions, training, custodial management, prison security and policy development.

CLJAS continues to reach out to Member States to encourage new nominations, particularly of female and French-speaking officers. CLJAS has recently begun to shift its manual data management system to an automated platform, which is anticipated to enhance efficiencies in the selection and deployment of GPPs. ■



CLJAS/A. Kovar

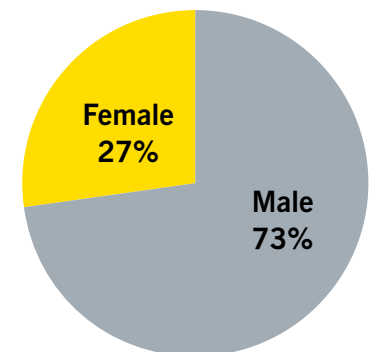
Director-General of Prisons, Dr. Musa Baldé, showcasing cookware produced by inmates of Bafata prison as part of a training and rehabilitation initiative.

In February 2015, the Government adopted a strategic and operational five-year plan to address the judicial system's lack of credibility, efficiency and inclusiveness, and set out to "reinforce its independence, transparency, efficiency, accessibility and impact". The Justice and Rule of Law Section of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) has been assisting the Government in this endeavour through support to legislative reform and capacity-building of magistrates and prison personnel. UNIOGBIS has also

development plan. This financial commitment far exceeded expectations.

The consolidation of the rule of law, however, remains a challenge for Guinea-Bissau and will require continued support from international partners, including UNIOGBIS and the United Nations Country Team. Support will be particularly important for the extension of State authority and criminal justice institutions throughout the country, the professionalization of justice and prison personnel and the allocation of adequate resources, infrastructure and equipment to the justice and corrections sectors. ■

Gender distribution of deployed Corrections GPPs





Participants in the DPKO Rule of Law Training Programme for Judicial Affairs Officers in Mali, March 2015.

TRAINING: RULE OF LAW TRAINING FOR JUDICIAL AFFAIRS OFFICERS

In March 2015, CLJAS, with the support of the German Centre for International Peace Operations (ZIF), delivered the eleventh DPKO Rule of Law Training Programme for Judicial Affairs Officers in United Nations Peacekeeping Operations. The training

— which DPKO has conducted bi-annually since 2010 — took place in Bamako, Mali, in the French language.

Twenty-eight national and international rule of law professionals attended the training, including participants from

various United Nations entities, the European Union and the League of Arab States. Malian magistrates and representatives of the regional peacekeeping training school in Bamako also attended. The event was widely covered in the media, including on television and radio.

The next training course will take place in October 2015, at a location to be determined. ■

GROUP OF FRIENDS OF CORRECTIONS

From 28 to 30 January 2015, the Group of Friends of Corrections convened in New York to discuss lessons learned and the Group's future priorities. Participants included the heads of prison services from Rwanda, Canada and Sweden. These three countries were joined by representatives of Cameroon, which are jointly serving as the current secretariat of the Group. On 29 January, the Group's Chair was handed over from Rwanda to Canada, which will head the Group for the next two years. The Group identified priority areas for engagement and is developing a two-year work plan, which will include a focus on gender initiatives, training for United Nations corrections personnel and awareness-raising initiatives on corrections in peacekeeping. ■

PRE-DEPLOYMENT TRAINING FOR CORRECTIONS OFFICERS

Together with the Swedish Prison and Probation Service, and in partnership with Member States who provide corrections pre-deployment training prior to international deployment, CLJAS will soon revise the United Nations Peacekeeping Pre-deployment Training Standards for Corrections Officers (GPP). A supplemental handbook for corrections officers based on fundamental training principles will also be developed. ■

JUSTICE AND CORRECTIONS STANDING CAPACITY

The Justice and Corrections Standing Capacity (JCSC), which is part of CLJAS, continues to assist United Nations peace operations.

A JCSC Corrections Officer recently completed a four month deployment to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), where she helped to strengthen the capacity of the Corrections Unit in the Goma Field Office. In March/April 2015, a JCSC Judicial Affairs Officer was part of a joint CLJAS Headquarters/JCSC team supporting MONUSCO to identify lessons learned and best practices in the functioning of the Prosecution Support Cells.

Since March 2015, the JCSC Team Leader has been deployed to the African Union-United Nations Mission in Darfur

(UNAMID) to assist the Rule of Law Section in (i) refining its strategic vision with respect to access to justice, (ii) cooperation between the justice and corrections portfolios of the Section and (iii) its collaboration with the United Nations Country Team, especially in light of an upcoming multi-year United Nations joint rule of law programme. In addition, in early May 2015, a new JCSC Corrections Officer is scheduled to deploy to the United Nations Mission in the Republic of South Sudan (UNMISS) for three months, to support UNMISS to improve management of its holding facilities in the mission's Protection of Civilians (PoC) sites. ■

For more information on JCSC support and requests for assistance, please contact Mr. Carsten Weber, JCSC Team Leader (weberc@un.org; + 39 0831 05 6305).

WHAT IS THE JCSC?

The JCSC is based at the United Nations Global Service

Centre in Brindisi, Italy. It has three core functions:

- i. starting up justice and corrections components in peacekeeping operations;
- ii. reinforcing existing United Nations field operations in the areas of justice and corrections by providing time-limited and targeted support; and
- iii. when appropriate, conducting needs assessments or reviews of justice and corrections components.



JCSC Team Leader and UNAMID Rule of Law staff meet paralegals in Dorti IDP camp (El Geneina, West Darfur) to discuss rule of law issues.

GLOBAL FOCAL POINT

From 26 to 28 January 2015, a Global Focal Point* (GFP) retreat took place in New York with some 80 representatives from seven United Nations partner entities (including from five country settings and three regional offices) as well as several guests and outside partners. The retreat sought to raise awareness of the GFP, articulate a clear “value proposition” and improve the ability of Headquarters to respond to country-level requests for support.

In the coming months, GFP entities will:

- focus their attention on interoperability challenges and knowledge management/information sharing;
- continue to advise field colleagues on how they can access GFP resources for expertise and funding; and
- concentrate on how various GFP entities can work together more closely for joint planning, programming, implementation, monitoring and evaluation.

In another positive step, the core GFP team of DPKO and United Nations Development Programme (UNDP) colleagues in Headquarters has been joined by representatives of the Office of the High Commissioner for Human Rights (OHCHR) and UN Women. This is helping to solidify the GFP’s collaborative efforts. ■

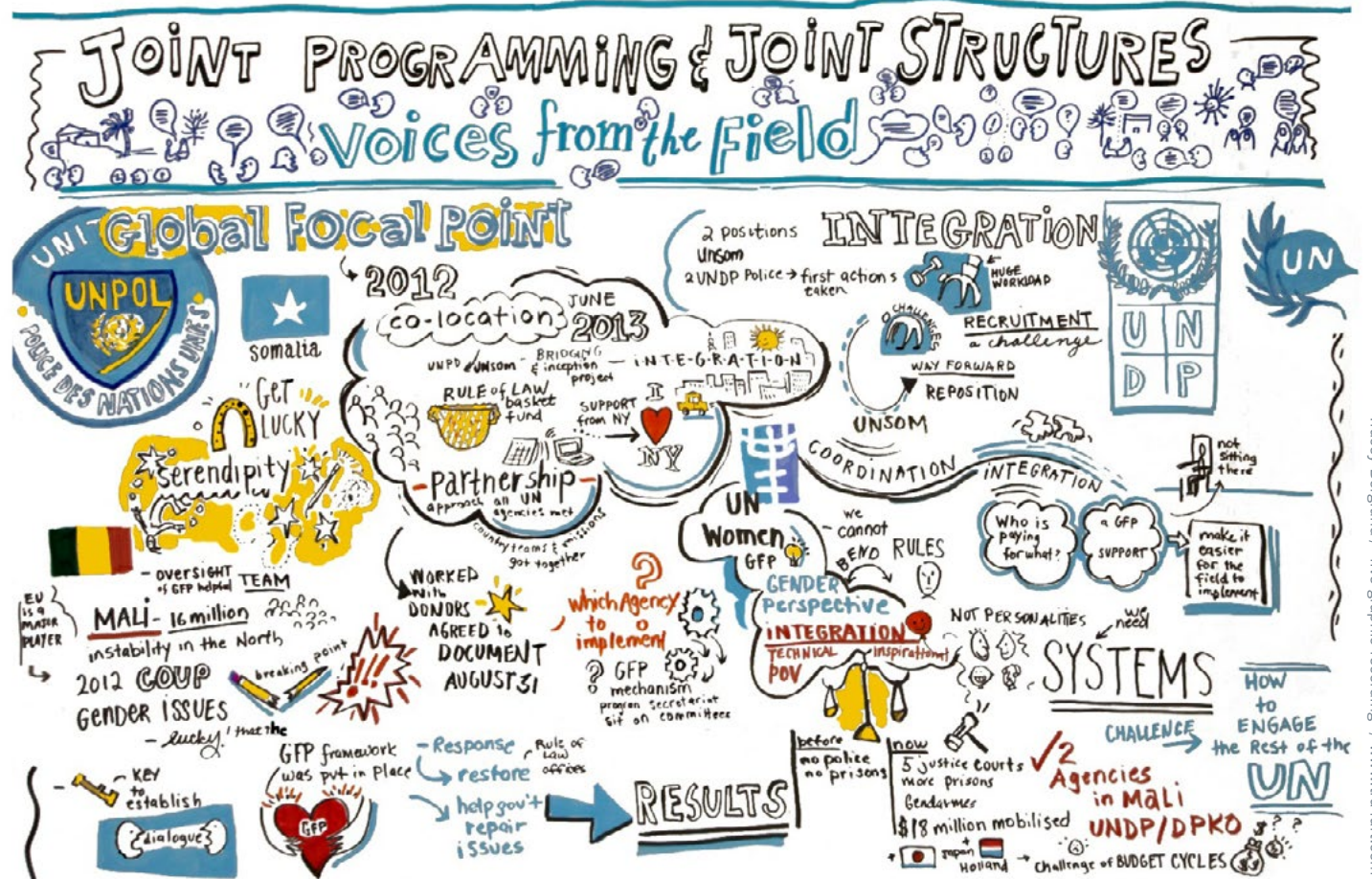
*The GFP’s full name is the Global Focal Point for the Police, Justice and Corrections Areas in the Rule of Law in Post-conflict and other Crisis Situations.

THE ROLE OF GFP

Under the GFP arrangement, DPKO and the UNDP — working with co-located partners OHCHR and UN Women and other United Nations rule of law actors — are jointly

responsible and accountable for responding to country-level requests with timely and quality police, justice and corrections assistance in terms of global knowledge, human resources and substantive advice on assessments, planning, funding and partnerships.

The GFP enables DPKO, UNDP and other parts of the United Nations system to draw upon one another’s comparative strengths and networks of expertise. The aim is to enhance the predictability, coherence, accountability and effectiveness of delivery by the United Nations in the rule of law area.



Tracey Berglund / "live graphic recording" / www.tradart.com

SUPPORTING THE RULE OF LAW IN KOSOVO

Since its establishment in 1999, the United Nations Interim Administration Mission in Kosovo (UNMIK) has had a central role in support of the rule of law in the region. From the onset, the mission was instrumental in re-establishing all courts and prisons in the immediate aftermath of the conflict in Kosovo. Within a few months, more than 400 judges and prosecutors and 1,200 support staff were recruited and deployed by the mission. These important efforts, which substantively contributed to peace, security and stabilization, were complemented by the deployment of United Nations international judges and prosecutors.

Whilst the mission was given an executive mandate under Security Council resolution 1244, following the Unilateral Declaration of Independence by Kosovo in 2008, UNMIK adjusted the implementation of its mandate taking into consideration the new realities on the ground. Most of UNMIK's functions in the rule of law area were transferred to the European Union Rule of Law Mission in Kosovo (EULEX)



Chief of the UNMIK Rule of Law Liaison Office, Mr. Rachid Arfi; Secretary-General of INTERPOL, Mr. Ronald Noble; Director General of the Kosovo Police Service, Mr. Shpend Maxhuni; and the Head of the UNMIK INTERPOL Liaison Office, Ms. Inga Urlapova.

in line with the November 2008 report of the Secretary-General (S/2008/692) and the Security Council Presidential Statement (S/PRST/2008/44). Through its Rule of Law Liaison Office (ROLLO), UNMIK now monitors and reports on rule of law developments, whilst liaising and coordinating with EULEX. In addition, ROLLO facilitates interactions between the authorities of Kosovo and INTERPOL, including its Member States.

Through the framework of the EU-facilitated dialogue in Brussels, an agreement between Belgrade and Pristina on the integration of the police and the judiciary in Northern Kosovo was reached in February 2015. This has been a highly contentious issue for years. In close cooperation with other partners, UNMIK supported dialogue between formal and parallel judicial structures on the ground and encouraged the parties to propose solutions. These important efforts are already yielding results that support sustainable peace and security in Kosovo and the wider region. Until they were integrated within Kosovo judicial institutions, UNMIK also liaised with the Serbian parallel judicial structures, facilitated their interaction with Kosovo judicial institutions and other

relevant actors, and coordinated monthly meetings to enhance dialogue between national and international stakeholders on rule of law issues in Northern Kosovo.

UNMIK is a member of the Pristina delegation in the Working Group on Missing Persons, established in 2004 under the chairmanship of the International Committee of the Red Cross (ICRC). Five thousand people went missing as a result of the conflict in Kosovo; the Working Group has helped to reduce this number to 1,653. In addition to its facilitation role within the Working Group, UNMIK has supported interactions between Kosovo-Albanian and Kosovo-Serb Missing Persons families, and has facilitated applications by the Kosovo-Serb families of missing persons to obtain financial benefits in Kosovo.

ROLLO continues to provide document-certification services, both to Kosovo residents and at the request of non-recognizing States, primarily for the certification of civil status, and academic and pension documents. Since January 2014, ROLLO has certified more than 2,500 documents needed by Kosovo residents in their dealings with non-recognizing Member States, and in particular with Serbia. ■

Justice & Corrections UPDATE

FOR MORE INFORMATION SEE:
<http://www.un.org/en/peacekeeping/issues/ruleoflaw>
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DEPARTMENT OF PEACEKEEPING OPERATIONS **OROLSI**
OFFICE OF RULE OF LAW AND SECURITY INSTITUTIONS