

Department of Peacekeeping Operations

# JUSTICE

*Review*



VOLUME 3  
JUNE 2012

Office of Rule of Law and Security Institutions (OROLI)  
Criminal Law and Judicial Advisory Service (CLJAS)  
*Sustainable Peace through Justice and Security*

- p1  Foreword: Secretary-General **BAN Ki-moon**  
p2  Message from Under-Secretary-General **Hervé Ladsous**  
p3-5  **DPKO Rule of Law Highlights Timeline**  
p6  **Joint Message** from Assistant Secretary-General **Dmitry Titov**  
and Assistant Administrator **Jordan Ryan**

### Part I. DPKO-led Missions

- p8 **UNAMA** Supporting Rule of Law through the Kabul Process  
p10 **UNOCI** Re-consolidation in the Justice Sector  
p12 **UNAMID** Assisting National Authorities  
p14 **MONUSCO** Toward a Strategic Approach  
p16 **MONUSCO** Military and Civilian Justice Assistance  
p18 **MINUSTAH** Pre-Trial Detention in Petit-Goâve  
p20 **UNMIK** Facilitating Critical Rule of Law Functions  
p22 **UNMIL** The Liberia Law Reform Commission, Five Year Strategic Plan and Its Impact  
p24 **UNMISS** Working to Help End Prolonged, Arbitrary Detention  
p26  **UNMIT** Supporting the Fight Against Corruption by Special Representative of the Secretary-General **Ameerah Haq**  
p28-29  **CLJAS at a Glance**



### Part II. Partnerships at Work

- p31  Message from High Commissioner **Navi Pillay**  
p32 Fighting Against Impunity for Perpetrators of **Sexual Violence**  
p34 The United Nations Rule of Law **Indicators**  
p35  Message from Assistant Secretary-General **Judy Cheng-Hopkins**

### Part III. Criminal Law and Judicial Advisory Service

- p38 Towards a Better Understanding of **Islamic law**  
p39 Headquarters Support through **Training and Guidance**  
p42 **Member State Support:** Innovative Approach to Bring Justice Expertise to Field Missions  
p44 **Team of Experts:** Addressing Sexual Violence in Armed Conflicts  
p46 **JCSC:** Rapidly Deployable Capacity at Work

### Part IV. DPA-led Missions

- p49  Message from Under-Secretary-General **B. Lynn Pascoe**  
p50 **BNUB** Strengthening Judicial Capacity  
p52 **BINUCA** Justice Support Based on National Priorities  
p53 **UNIOGBIS** Justice Sector Cooperation  
p54 **UNIPSIL** New Coordination Strategies  
p56  Afterword: CLJAS Chief **Robert Pulver**

### ABOUT THIS PUBLICATION

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

For more information contact:

**Robert Pulver**  
Chief, CLJAS  
pulverr@un.org  
917-367-3420

[www.un.org/en/peacekeeping](http://www.un.org/en/peacekeeping)



FRONT COVER IMAGE:  
*Promoting justice.*  
(UN Photo / Albert Gonzalez Farran)

Foreword by

# Secretary-General BAN Ki-moon



Establishing the rule of law in societies traumatized by conflict or mired in its precursors is among the top priorities of UN peacekeeping, peacebuilding and special political missions.

The consolidation of peace, whether in the immediate post-conflict period or over the long term, requires public confidence in legitimate structures for the peaceful settlement of disputes and the fair administration of justice. That is why, from Afghanistan to Timor-Leste, and from Haiti to South Sudan and a dozen other African countries, our police, judicial, corrections and security sector specialists are working with national counterparts to reform or build anew the human capacity, legal systems and institutions that are the foundation on which the rule of law is based.

We can claim solid achievements in some very complex environments. The UN Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has helped the Government to prosecute more than 150 military officers accused of committing serious crimes against civilians. The UN Operation in Côte d'Ivoire (ONUCI) supported the reopening of 17 courts that had been damaged or looted during the post-electoral crisis. The UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) has brought together relevant partners to improve the criminal justice system. In Timor-Leste, UNMIT Administration of Justice Support Unit assisted in the drafting of the Audit Chamber Law, which has allowed the Audit Court to assume an independent oversight role over public funds. And in Haiti, MINUSTAH has provided logistical support for the establishment and management of legal aid offices, 18 of which were operating throughout the country in January 2012.

*Our police, judicial, corrections and security sector specialists are working with national counterparts to reform or build anew the human capacity, legal systems and institutions that are the foundation on which the rule of law is based.*

At the same time, we face serious challenges. We need to strengthen our ability to deploy highly qualified lawyers, prosecutors and judges for field assignments. Member States need to increase funding for critical rule of law interventions. Prolonged, arbitrary pre-trial detention without explanation continues to be a problem in most countries where UN missions are present. And we need the Security Council to include transitional justice measures, such as truth commissions and reparations programmes, in the mandates of peacekeeping and special political missions — and when it does, to provide clear guidance on what standards these measures must meet if they are to enjoy the Organization's support.

I welcome the decision of the General Assembly to hold a high-level meeting on the rule of law in September 2012. This will be an opportunity to provide new political and programmatic impetus for strengthening the rule of law at the national and international levels. In preparation for this event, I have issued a report to the General Assembly containing a proposed programme of action for improving our work in this field.

This edition of the DPKO *Justice Review* provides an update on the important work being done in the justice sector by the Department of Peacekeeping Operations and its partners in nine peace operations and four special political missions. As we take stock of our gains, let us also recognize the considerable distance still to be travelled to ensure rule of law and sustainable peace for the people who look to the United Nations for assistance, justice and hope.

**BAN Ki-moon**  
Secretary-General of the United Nations  
United Nations Headquarters

# Under-Secretary-General for Peacekeeping Operations

## Hervé Ladsous



### Building Foundations for Sustainable Peace

Keeping the peace in the 21st Century is a job that most often requires a multi-dimensional approach. It must focus on supporting national efforts to sustain the peace and reducing the risk of relapsing into violence. United Nations Peacekeeping Operations have a key role to play in helping build and strengthen national rule of law and security institutions, which are the foundations for sustainable peace.

The Department of Peacekeeping Operations (DPKO) is responsible for leading the United Nations efforts to strengthen legal, judicial and prison institutions in some countries which host peacekeeping missions. Over the past decade we have seen the growth of significant DPKO-led programmes in countries as diverse as Haiti, the Democratic Republic of the Congo, Afghanistan, Sudan (Darfur), Liberia, Côte d'Ivoire, Kosovo, Timor-Leste and South Sudan. As of January 2012, there were approximately 300 Judicial officers and 370 Corrections officers authorized for nine peace operations (MINUSTAH, MONUSCO, UNAMA, UNAMID, UNMIL, UNOCI, UNMIK, UNMIT and UNMISS).

Overcoming a culture of violence, the rule of the gun, can be a painstaking process. It involves rebuilding the security and judicial forces of the state, including police services, courts, all related judiciary institutions, law-making processes, corrections, and others. And rebuilding the citizens' trust in these institutions and the rule of law itself becomes just as important. There is no one-size-fits-all approach to these efforts. Each country is different in its history, its legal and social culture and in the comparative strengths and weaknesses of their rule of law sector. Therefore, institution building should be pursued within the broader context of a country's background.

Since I started my job five months ago, I have consistently emphasised that peacekeeping is a global partnership and this partnership is key to our effective work in supporting governments strengthen their rule of law institutions. The rule of law teams in peacekeeping missions work closely with other United Nations actors such as OHCHR, UNODC, UNDP and UN-Women, as well as with bilateral technical assistance programmes and national civil society.

For instance, together with OHCHR and relying on a system-wide input, DPKO has developed the United Nations Rule of Law Indicators to measure the strengths and effectiveness of judicial, correctional and law enforcement institutions in order to help both the United Nations and governments assess what they need to successfully build national institutions. DPKO has also assisted the Department of Political Affairs to coordinate a needs assessment on public safety, rule of law and transitional justice in Libya.

*Effective national rule of law institutions are a critical foundation for sustainable peace, and will increasingly be a focus of peacekeeping work in countries emerging from conflict. Much has been achieved over the past decade in improving how peacekeeping operations contribute to this essential work. And much more is to be done. We shall do it together!*

At the Headquarters level, DPKO is supporting the strengthening of national justice systems through the Criminal Law and Judicial Advisory Service (CLJAS). This Service provides operational, strategic and policy guidance to justice components of peacekeeping operations. Immediate support is now available to peace operations through the Justice and Corrections Standing Capacity, which became operational in 2011 and rapidly deployed for the start-up of the new Mission in South Sudan and reinforced the existing operation in Côte d'Ivoire. DPKO is a co-lead, along with UNDP and OHCHR, of the Team of Experts on Sexual Violence in Armed Conflict. With a view to assisting national authorities to address impunity for conflict-related sexual violence, the team successfully deployed to DRC, Liberia, South Sudan, Guinea Conakry, Sierra Leone and Côte d'Ivoire in 2011. In the area of policy guidance, CLJAS is building a body of guidance tools to empower Judicial Affairs officers in the field.

Effective national rule of law institutions are a critical foundation for sustainable peace, and will increasingly be a focus of peacekeeping work in countries emerging from conflict. Much has been achieved over the past decade in improving how peacekeeping operations contribute to this essential work. And much more is to be done. We shall do it together!

**Hervé Ladsous**

Under-Secretary-General  
Department of Peacekeeping Operations  
United Nations Headquarters

**DPKO** A LONG, PROUD HISTORY

Since the first mission was established in May 1948, UN peacekeeping has been developed to help countries torn by conflict create conditions for lasting peace. There have been a total of 67 UN peacekeeping operations. Currently, the Department of Peacekeeping Operations, with the support of the Department of Field Support, manages 17 operations deployed across four continents.

UN Photos



**1948:**  
First peacekeeping operation, the United Nations Truce Supervision Organization (UNTSO), deployed

**1956:**  
First United Nations Emergency Force (UNEF I) deployed in Egypt and the border between Egypt and Israel

**1960:**  
United Nations Operation in the Congo (UNOC) first deployment of UN Police



Rule of Law in DPKO—historic highlights >>>



# DPKO Missions and Justice Components **in Action**

All photos: UN Photos, unless otherwise noted



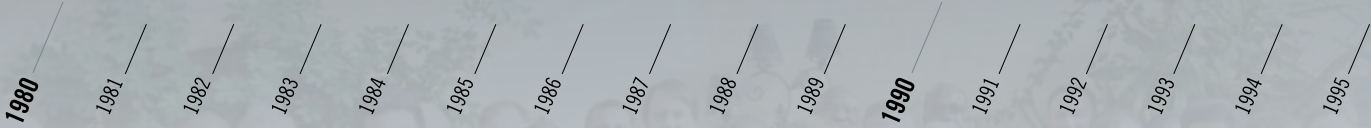
**1989:**  
United Nations  
Transition  
Assistance Group  
(UNTAG) is  
deployed  
in Namibia  
and oversees  
law and order

**1991:**  
United Nations  
Observer Mission  
in El Salvador  
(ONUSAL) is  
mandated to help  
build new police  
force and reform  
judicial system

**1992:**  
United Nations  
Transitional  
Authority in  
Cambodia  
(UNTAC) given  
executive mandate  
to maintain law  
and order

**1995:**  
United Nations  
Mission in  
Bosnia and  
Herzegovina  
UNMIBH  
includes law  
enforcement  
activities

>>> Rule of Law in DPKO—historic highlights





**2006:**  
Decision of the Secretary-General on Rule of Law (no. 2006/47)

**2011:**  
Justice and Corrections Standing Capacity established (see page 46)

**2007:**  
Office of Rule of Law and Security Institutions (ORLSI) established; CLJAS becomes part of ORLSI

First United Nations Rule of Law training for Judicial Affairs officers (see page 39)

**UNAMID** established (see page 12)

**UNMISS** established (see page 24)

**2007-2010:**  
MINURCAT included a rule of law mandate

Rule of Law Indicators launched (see page 34)

**1996:**  
First Security Council Resolution using terminology "Rule of Law" (S/RES/1040)

**1999:**  
UNMIK established (see page 20)  
UNTAET established (re-launched as UNMIT in 2006, see page 26)

**2000:**  
Report of the Panel on United Nations Peace Operations (The Brahimi Report)

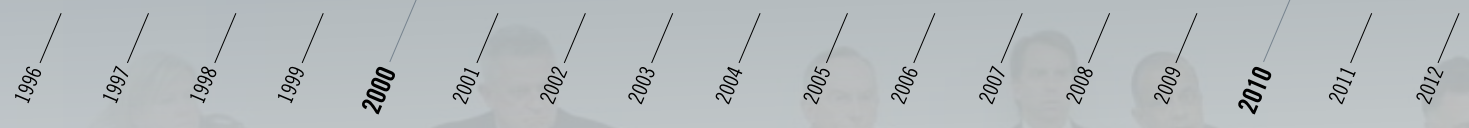
**2003:**  
Criminal Law and Judicial Advisory Unit established  
UNMIL established (see page 22)

**2004:**  
MINUSTAH established (see page 18)

MONUC Rule of Law Component established (see page 14)

UNOCI established (see page 10)

**2005-2011:**  
UNMIS included rule of law mandate



# Partnership in Action



The Department of Peacekeeping Operations and the United Nations Development Programme work closely together to help national authorities strengthen the rule of law in peacekeeping contexts and beyond. The partnership between the UNDP Bureau for Crisis Prevention and Recovery and the DPKO Office of Rule of Law and Security Institutions is gaining further strength on the basis of collaboration on the ground, where it matters most. We are pleased that our teams are increasingly learning to work together and respond effectively to the call of the Secretary-General to “deliver as one” on the mandates from the Security Council to United Nations missions to strengthen national foundations of rule of law.

UNDP and DPKO are determined to continue to build on their comparative advantages and complement each other’s work in implementing activities in support of the rule of law, in particular the justice sector. Cooperation between DPKO and UNDP

must be guided by clarity of purpose from the outset of a peace operation in order to achieve long-term goals in rule of law. The Secretary-General’s October 2011 report on rule of law and transitional justice in conflict and post-conflict societies noted the importance of this vision:

“In peacekeeping settings the development of shared goals at an early stage will facilitate a gradual drawdown of a mission and ensure effective transition of responsibilities, where appropriate.”

Shared goals are reflected in strategic frameworks and inform the Integrated Mission Planning Process, which seeks to ensure the efficient use of scarce resources and maximize our impact in the field. Numerous examples of effective collaboration can be cited. In Haiti, UNDP and MINUSTAH combine strengths to conduct training, including for court staff on their roles and responsibilities, and for Judicial Police officers on criminal investigation techniques. In Darfur, the implementation of joint programmes

benefits from combining the specialist knowledge of UNAMID staff and the strong project management skills and capacity development approach of UNDP. And in Democratic Republic of the Congo, MONUSCO and UNDP are working with national authorities in a sector wide programme in support to the justice sector as well as rule of law institutions in general.

## Filling in the gaps

At a time when support to the rule of law is often an under-resourced priority, we know that our increased cooperation at all levels is essential, particularly in the areas of assessment, planning, programming and evaluation. DPKO and UNDP are refining the expertise available in response to mandates and demands in the field and together we are committed to ensuring that gaps are avoided in the justice sector and transitions are seamless. We invite our partners to join us in the quest to help post-conflict societies build the rule of law which will result in benefits in terms of peace, stability and development for their citizens.



UN Photo

**Dmitry Titov**  
Assistant Secretary-General  
Office of Rule of Law  
and Security Institutions  
Department of Peacekeeping Operations



UN Photo

**Jordan Ryan**  
UNDP Assistant Administrator  
Director of Bureau  
for Crisis Prevention and Recovery  
United Nations Development Programme



# DPKO-led Missions



UN Photo / Albert Gonzalez Farran



Secretary-General Ban Ki-moon addresses the Kabul International Conference on Afghanistan. Pictured with Mr. Ban and Afghan President Hamid Karzai are the Foreign Ministers of Japan and Afghanistan, Katsuya Okada (left) and Zalmay Rassoul. UN Photo

United Nations Assistance Mission in Afghanistan **UNAMA**

# Supporting Rule of Law through the Kabul Process



The UNAMA Rule of Law Unit has led efforts to coordinate international assistance to the justice sector since 2005. This is in line with UNAMA general coordination mandate, which, in respect of rule of law, is to lead the civilian effort in support of the Afghan Government’s work aimed at improving governance and the rule of law throughout the country, in accordance with the Kabul Process.

### Kabul Conference

The Kabul Conference of July 2010 brought the Afghan Government and the international community into a new phase of partnership and marked the beginning of what has become known as the Kabul Process,

translating the national development vision into a concrete programme of action. Twenty-one detailed National Priority Programmes (NPP) are being created and eventually 80 per cent of all donor funding should be directed towards activities set out in them. The UNAMA Rule of Law Unit is one of two donor focal points, together with the United States Embassy to Afghanistan, for the government for the NPP “Law and Justice for All”.

### UNAMA Rule of Law Unit

The Rule of Law Unit was well positioned to lead the donor response to the justice NPP drafting process, as it is the permanent Co-Chair of the justice sector Board of Donors, a group of embassies, United Nations Agencies and international organizations contributing to the justice sector, and

which was set up in 2008 as a strategic advisory body to the government under the National Justice Sector Strategy. The Board of Donors has acted as the forum for discussions of the draft NPP among donors and the development of a consensus among participants to the draft NPP. The Unit has prepared and presented these consensus comments to the Government at the two donor consultations so far. This was the only NPP, at least in the Governance Cluster, for which this was achieved.

### Added Value

Three main factors facilitated this success. UNAMA is recognized as having the coordination mandate and its international partners expect it to lead coordination efforts. Working within UNAMA gives the Rule of Law

Unit a useful perspective on the Kabul Process in general, and how it fits into the overall development framework and other high-level processes. The Unit is staffed with Judicial Affairs and Corrections officers with considerable justice sector reform experience, which they bring to bear on strategic discussions. And finally, the Rule of Law Unit does not itself implement assistance projects or programmes, and hence, in an environment in which there are conflicting views about the best way to achieve results and traction in justice sector reform, the Unit is, and is perceived as, neutral in discussions on policy direction.

### Challenges

This is not to say that coordination is an easy role. For the last few years, justice sector reform in Afghanistan has

been characterized by a lack of overall strategic direction, different visions of what is necessary and what is achievable, and a crowded field of donors, implementing agencies and other involved international organizations, both civilian and military. A number of factors are in place to change the situation in 2012. The transition from international to national responsibility for security, which will take place through 2014, is expected to lead to a reduction in overall assistance. This in turn will require greater focus on the appropriate prioritization and sequencing of reforms, as well as their sustainability, which should fit in with the NPP discussions. So far, there has been concern that the government response to donor comments on the draft NPP has been relatively superficial. In order to

IMPACT 2011

**UNAMA** completed a thorough assessment of the legal aid sector in Afghanistan and a Thematic Report on Legal Aid Services was published in June 2011. This publication is helping national authorities and donors to prioritize legal aid services, determine needs and address disparities in legal aid provision across the country.

address this, at the time of writing the Unit was working with government advisers to set up focus groups to discuss aspects of the NPP in depth.

Eventual endorsement of the NPP has the potential to lead to an improved programmatic approach to justice development and donor funding. UNAMA Rule of Law Unit will continue its extensive efforts in support of the process. ■



*Press Conference Secretary-General Ban Ki-moon and Afghan President Hamid Karzai. UN Photo*

## Re-consolidation in the Justice Sector



At the beginning of 2011, the contested results of the second round of presidential elections in Côte d'Ivoire plunged the country into a crisis period, marked by political instability and violence. The justice and corrections systems ceased to function properly; 17 of 37 courts and 22 of 33 prisons were damaged or looted and approximately 12,000 prisoners escaped. Clearly, this represented both a priority and a significant challenge to the new Government.

### Security Council resolution 2000

In July 2011, Security Council resolution 2000 (2011) mandated UNOCI “[to provide] support for capacity development through technical assistance, collocation and mentoring programmes for the ... Justice and Corrections officers and to contribute to restoring their presence throughout Côte d'Ivoire, to support the Government’s development and implementation of a national justice sector strategy as well as the development and implementation of a multi-year joint United Nations justice support programme in order to develop

the police, judiciary, prisons and access to justice in Côte d'Ivoire, and [to provide support for] the initial emergency rehabilitation of relevant infrastructure and the provision of equipment, within existing resources and in coordination with international partners.”

### Rule of Law Section

UNOCI, through its Rule of Law Section, assisted the Government in conducting an immediate nationwide survey of the damage done. All courts across the country were visited. An assessment was made of the work required



*The inauguration ceremony for the Bouaké Court of Appeal.*  
UN Photo

to return them to working condition with a cost estimate for each facility. The team identified priority areas and courts that had received the most damage.

## External Funding

With this information UNOCI Rule of Law Section set about mobilizing funds through a rigorous advocacy campaign aimed at international donors working in the sector. To date approximately two million USD from the international community has been channelled into justice and corrections infrastructure refurbishment and re-equipment. The European Union has pledged money to refurbish three particularly badly damaged courts, one of which it will also re-equip. The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) is providing equipment for a regional court in the west. The US Agency for International Development has funded the purchase of equipment for 15 courts and the Ministry of Justice offices. It will also fund refurbishment of the Ministry's printing press without which it cannot produce court documents.

## Quick Impact Projects

Working in partnership with international NGOs, UNOCI used Quick Impact Projects to target specific areas of need where either funds were not available or urgent action was a priority. QIP funds were used to finance partial refurbishment of the Yopougon court in the capital and a further two courts in the West. This has allowed one court which has not been open since 2002 to begin processing administrative matters in two offices even while refurbishment work on the rest of the courthouse is underway. Work remains to be done, but UNOCI has secured funds to complete 100% of the work required to put right damage done to justice infrastructure during the crisis.

## IMPACT 2011

- » Following the April/May 2011 post-electoral crisis, UNOCI helped with the reopening of all 37 courts across the country and refurbishment of 17 courts
- » UNOCI assisted with the development and implementation of justice reform projects financed by international partners (EU, GIZ, SCAC, BM, USAID) on building the capacity within the Ministry of Justice and among judicial actors, improving access to justice across Côte d'Ivoire, court functioning and judicial inspection services
- » UNOCI helped develop a joint project on access to justice among vulnerable groups, particularly in western Côte d'Ivoire, in partnership with UNDP, UNICEF and the EU



## Progress

As of January 2012, all three appeal courts, all 34 first instance courts and 19 of 33 prisons were open. New magistrates have been appointed and deployed across the country and judicial police have returned to their posts to resume work. This progress represents a significant return of rule of law to the country. Particular challenges remain regarding the administration of criminal justice which is seriously hindered by a shortage of functioning prisons and the building of institutional capacity amongst justice actors. The work required in this area was acknowledged in Security Council resolution 2000 (2011), which significantly expanded the UNOCI mandate regarding rule of law activities.

## Human Rights

Following the crisis, the Republican Forces of Côte d'Ivoire (FRCI) were left as the only instrument of government authority on the ground. They adopted quasi judicial functions, often acting as police, judge and jury in criminal

matters. This represented a significant threat to the rule of law and a priority for the Government and international community alike. Training for FRCI troops on human rights has been organized in partnership with the UN Country Team, national and international NGOs, and the Government. UNOCI Rule of Law Section developed and delivered a module within this training stressing the proper role for the armed forces in relation to the other instruments of Government especially police and gendarmes. As of January 2012, this training had been delivered to 102 commissioned and non-commissioned officers.

Working in partnership with the Government, donors and national and international NGOs, UNOCI Rule of Law Section continues to work on building and strengthening capacity across the judicial system with projects aimed at improving legal education, legal reference materials, court equipment, access to justice and on the development of a multi-year joint United Nations justice support programme. ■



English language training in September 2011.

UN Photo / Olivier Chassot

## African Union–United Nations Mission in Darfur **UNAMID**

# Assisting National Authorities



### West Darfur

The judiciary in West Darfur, like other state institutions in Darfur, is struggling to get back on its feet after being rendered moribund by the long-running conflict in the region. Court buildings are dilapidated and there is a lack of basic furniture such as filing cabinets and benches. Consistent with its mandate, the UNAMID Rule of Law Section works with national authorities and key stakeholders to identify the most pressing needs of the various

justice sector institutions, together with other strategic partners such as the United Nations Development Programme (UNDP).

### National Ownership

In most cases, the UNAMID Rule of Law Section acts on requests made directly by the beneficiary national institutions, in consultation and collaboration with national judicial actors, as this guarantees national ownership and sustainability of a project.

The UNAMID Justice component and the UNDP Rule of Law office in

El Geneina combined efforts to build the capacity of judges in West Darfur after the West Darfur Chief Judge requested the Section's assistance to build capacity and rehabilitate courts. The UNAMID Rule of Law Section engaged UNDP, which had partnered with UNAMID in previous capacity-building initiatives and institutional development. UNDP supported the provision of office equipment and furniture for the courtrooms. Part of this assistance included computers for use by the Court of Appeal Judges and furniture for the newly opened courts in two rural localities.

## Language Training

Another aspect of the work of UNAMID is related to reducing language barriers in legal education. Arabic became the major language of education in Sudan in the early 1990s. In practice, however, lawyers need to be able to function in English in order to practice law. The Sudanese legal system is based on common law and Sharia law. Sharia law covers only a limited number of crimes; the majority of the legal system functions on the basis of common law, which incorporates jurisprudence. Jurisprudence is available principally in the English language, which creates a language barrier in legal practice for lawyers who are not proficient in English.

In El Geneina in West Darfur, the UNAMID Rule of Law Section, in conjunction with the Language Department of the University of Zalingei, developed a training module and provided funding for a 40-day Basic

*Photos from left to right:  
English language course for lawyers.*

*(UN Photo / Olivier Chassot)*

*Assistant Secretary-General Dmitry Titov (centre) with the Chief Judge for Sector North, Hashim Omar Abdallah (with sash) and Alain Mabushi UNAMID Judicial Affairs officer (left). (UN Photo)  
Joint assessment by UNAMID and North Darfur Judiciary December 2011. (UN Photo)*



English language training course attended by 22 judges. The interest generated by the course was so great that the Chief Judge requested an intermediate course. The 60-day intermediate course, attended by 17 judges and funded by UNDP, was held between January and March 2012.

## North Darfur

Lawyers in El Fasher, who wanted to deepen their knowledge of human rights and international humanitarian law, also felt that their limited knowledge of English hampered their access to the legal materials necessary for this type of study.

The president of the Bar Association in North Darfur expressed the need for vocational English language courses for lawyers in North Darfur state. In response, the UNAMID Rule of Law Section, in collaboration with the Bar Association in North Darfur, the Centre for Peace and Development Studies and Human Rights and the University of El Fasher, organized a 45-day English language training course, which benefitted 68 lawyers, including 18 female lawyers. Funded by UNAMID, the training was conducted by two



teachers from the English Department of the University of El Fasher. The aim was to familiarize the lawyers with legal terminology related to wills and estate planning, insurance law, bankruptcy, intellectual property law and tax law and procedure.

The participants expressed satisfaction with the organization and quality of the training, the relevance of the topics, and the performance of the teachers. However, they highlighted that their training needs went beyond the course. As requested by the participants, the UNAMID Rule of Law Section will continue to support the Bar Association with training on specific topics related to their work, such as human rights, international standards in the administration of justice, sexual violence, juvenile justice and how these topics relate to the applicable Sudanese law. ■



IMPACT 2011

- UNAMID supported national authorities with the reopening of four courts, including two in West Darfur (Kulbus and Garsila) and two in North Darfur (Allait and Kabkabiya)
- UNAMID chaired the Justice and Reconciliation Committee of the Darfur peace talks in Doha and provided technical support in drafting the Doha Document for Peace in Darfur signed on 14 July 2011

# Toward a Strategic Approach



Over the last decade, rule of law concerns have gradually been considered as priority matters in peacekeeping settings. Lessons learned from various missions have shown that it is of utmost importance that rule of law priorities, including those related to institution-building, justice and security sector reform, are incorporated by United Nations peace operations, especially at an early stage. This will allow a peacekeeping operation to maximize its leverage over the local stakeholders at a time when the latter are particularly fragile and consequently more open to structural measures and reforms.

## Holistic and Integrated

A peacekeeping operation such as MONUC/MONUSCO has been uniquely positioned to address rule of law issues at a political level, through its leverage and significant logistical and security capacities, the latter being critical for effective rule of law programmes. Since

the establishment of a rule of law pillar, notwithstanding a mandate dominated by security, political and stabilization related issues, MONUSCO has opted to tackle rule of law issues in a holistic and integrated manner and has done so through three axes.

One of the main elements of the Mission's strategy in this area has been the use of various existing instruments and policies endorsed by the local authorities as entry points for rule of law assistance-related activities; when and wherever possible, MONUSCO has seized the opportunity offered by events to underscore the benefits of an environment conducive for the rule of law.

## Sustainable Security

Furthermore, the Mission showcased actions that would highlight the fact that rule of law-related issues could simultaneously address the crises and their structural causes but also provide an immediate positive impact on rule of law and human rights. MONUC/MONUSCO has continuously

advocated with national authorities and donor countries in favour of a linkage between rule of law and sustainable security. In this regard, it was, and remains, important that Member States, especially the contributing ones, realize that, although by design rule of law assistance goals are sometimes long term, they can also provide immediate gains.

## International Coordination

The third key element of the Mission's overall strategy was strengthening coordination amongst international stakeholders in order to permit the use of each actor's comparative advantage.

Consequently, several aspects of rule of law problematics were included in the MONUSCO stabilization programmes (e.g. Stabilization and Reconstruction Plan (STAREC)/ International Security and Stabilization Support Strategy (ISSS)) for eastern DRC. One aspect of the ISSS/STAREC aims at contributing to the extension of state authority by providing assistance



MONUSCO Rule of Law Section.

UN Photo



to the military and civilian justice sectors through capacity building and construction of infrastructures for civil administration (courthouses, police stations and correctional facilities). (See article on next page.)

## Comprehensive Strategy

Another illustration of coordination has been the implementation of the UN Comprehensive Strategy against Sexual and Gender-based Violence, another vehicle used by the Mission to foster the rule of law agenda. Indeed, MONUC/MONUSCO, as coordinator and lead of two of the five pillars of the National Strategy, namely the fight against impunity and security sector reform, has used its role to promote the reinforcement of the penal chain in the area of competence of the National Strategy (eastern DRC) with a view to effectively bring perpetrators of acts of sexual violence to justice. The added-value that a peacekeeping operation brings in comparison to other actors from the development field, governmental and non-governmental organizations, is its capacity and leverage to allow all these actors, if well coordinated, to deliver in their respective mandates.

One illustration of this is the handling of the Fizi events which saw the arrest, the swift indictments and sentencing of the alleged perpetrators of the mass rapes and other human rights violations that took place on 1 and 2 January 2011 in Fizi (South Kivu).

The Mission, thanks to its unique position and assets, played a key role through military patrols in Fizi and Baraka to ensure the protection of the victims and witnesses before and during the trial. The Mission also provided assistance to the judicial authorities to undertake investigations as well as logistical support to facilitate the holding of the hearings. Nine special flights and 66 military escorts were provided

by MONUSCO to airlift 11 detainees as well as dozens of people from Bukavu for the trial proceedings in Baraka.

Although only a fraction of the alleged perpetrators have been arrested and tried, nine elements of the FARDC have been sentenced for crimes against humanity (rape, torture, physical assault, and terrorism). The Mission monitored the trial and is still closely monitoring the security situation of victims and witnesses as well as the enforcement of the rulings, including their financial provisions.

## Coordination of Justice-related Activities

MONUC/MONUSCO has established consultation and coordination mechanisms with a view to creating synergies and momentum for rule of law assistance. These mechanisms strengthen the coordination amongst the international stakeholders, with the UN agencies involved in justice related activities (UNDP, UNFPA, UNICEF) as well as with other bilateral and multilateral partners (EU, EUSEC, EUPOL, DFID, USAID, JICA).

In terms of programmatic activities, MONUSCO has on its current agenda the development and implementation of a multi-year joint United Nations justice support programme done in close consultation with the Congolese authorities and in accordance with the Congolese strategy for justice reform. The goal is to implement programmes to strengthen the penal chain, including in conflict-affected areas, as well as strategic

IMPACT 2011

- » MONUSCO supported the establishment of five Prosecution Support Cells through which the national judicial authorities investigate and prosecute the most serious crimes, including sexual violence, perpetrated in the eastern provinces of the DRC
- » MONUSCO helped construct and supplied equipment for four tribunals in November 2011 in North and South Kivu



programmatic support at the central level in Kinshasa.

## Corrections

Finally, the Mission has also established a Corrections Unit, with assistance from Criminal Law and Judicial Advisory Service of DPKO. The Corrections Unit intends to seek closer collaboration to push the reform agenda forward and to render reforms sustainable through rationalization of the management of the prison's system. One notable achievement was the appointment by the Minister of Justice, of a Director in charge of all Prison Services in the DRC, as recommended by the Corrections Unit. The Unit also developed a prison plan, taking note of the minimum standard requirements, which now serves as a model prison plan for the DRC. The Corrections Unit, as well as the Rule of Law Section and the Human Rights Division all within their respective expertise, assist the DRC corrections system in order to facilitate the handling of the cases of pre-trial detainees who make up to 80% of the inmates in those correctional facilities. ■

# Military and Civilian Justice Assistance



Last year was a milestone in the political history of the Democratic Republic of the Congo (DRC). In November and December 2011, presidential and legislative elections were held for the second time since the reunification of the nation in 2003. This followed years of war. MONUSCO Rule of Law Section, together with national and international partners operating in the justice sector, contributed to ensure that the electoral process was successful. Numerous trainings and seminars were provided to members of civil society, political parties and local government, magistrates and

other judicial actors to ensure that all those involved in the electoral process were aware of their personal and professional rights and responsibilities. According to the MONUSCO mandate on rule of law, Rule of Law Section will continue to provide assistance to authorities in national justice institutions who have a role in the resolution of electoral disputes.

## Prosecution Support Programme

While national and international interest focused primarily on the Congolese elections for much of 2011, the attention of the Rule of Law Section was also focused on expanding the Prosecution Support Cell Programme

(PSC Programme) that had begun to take shape in 2010. The United Nations Security Council specifically mandated MONUSCO to establish the PSC Programme to strengthen military justice in the DRC — an imperative, given the number of serious crimes committed in the country by those acting, to some degree, in military or police capacities.

Working in accordance with a Memorandum of Understanding concluded between MONUSCO and the PSC Steering Committee comprised of the Ministries of Defence and Justice, the Chief Military Prosecutor and the High Military Court, the PSC Programme expanded rapidly in 2011:



**Appeal hearing in Goma, DRC.**

UN Photo

as of January 2012, offices had been set up in four provinces (North and South Kivu, Ituri and Maniema) to facilitate work with national interlocutors, particularly military justice prosecutors.

In Goma and Bukavu, PSC personnel are co-located with authorities from the Offices of the Military Prosecutor and co-location is expected to occur in other provinces in 2012. International military and police investigators as well as prosecutors offer national counterparts technical and logistical assistance. This has led to the joint development of training curricula, tailored to the needs of those military justice actors working in each specific location. It has also enabled the Programme to set up “stakeholder groups”, for which the PSC members are focal points, in order to facilitate greater coordination between the national authorities.

## Funding

The success of this Programme to date, has enabled MONUSCO to mobilize funds for the further development and expansion of the Programme. Donors who have made substantial contributions include Canada, the United States of America, the United Kingdom and the UN Peacebuilding Fund. In addition, MONUSCO reached an agreement with the European Commission for a major donation that will, inter alia, help to develop and conduct training sessions for Congolese prosecutors and investigators, support investigations throughout the country and purchase equipment.

## Civil Justice

While the PSC Programme focuses on strengthening military justice, civil justice has not been forgotten. The Rule of Law Section has spent a lot of time and effort helping to build the capacity of civil court staff, judges and prosecutors to enable them to exercise their functions. In addition,



Juvenile Court, Goma.

UN Photo

Quick Impact Project funding has been mobilised for construction of court rooms and furnishing of court and prosecution offices in five provinces (Kasaï Occidental, Kasaï Oriental, Bandundu, Maniema, North Kivu).

The Rule of Law Section carried out a census of the civil justice system, which revealed that no single body appeared to be aware of the number of prosecutors and magistrates operating in any given location. This highlights the extent of the task ahead. This is even more apparent when taking into account the geographical size and transport limitations in the country.

The Rule of Law Section provided logistical assistance to the judiciary throughout 2011 by enabling over 300 magistrates to deploy to their “duty stations”, often in deep-field locations. Without assistance from MONUSCO, it is unlikely that many of these judges and prosecutors would have been able to begin their work.

## Mobile Courts

The Prosecution Support Programme and the Rule of Law Section staff have worked together effectively to provide the necessary support to both military and civilian justice actors that enabled individuals in outlying locations to receive access to justice. In particular, MONUSCO has provided logistical and technical assistance to magistrates to deploy mobile courts to hard-to-access locations in order to hear cases.

## Pre-Trial Detention

MONUSCO gave similar assistance for visits of magistrates to prisons and detention centres where large numbers of inmates are held for lengthy periods of pre-trial detention, sometimes serving more time than they would have had to serve if they were sentenced for the crime for which they are being held. This support has had practical impact for Congolese citizens. ■

# Pre-Trial Detention in Petit-Goâve



In October 2011, Security Council resolution 2012 extended the mandate of the UN Stabilization Mission in Haiti (MINUSTAH) to, inter alia, “build the capacity of [Haiti’s] rule of law institutions at national and local levels”, and

to encourage the Haitian authorities to take advantage of MINUSTAH support, inter alia, in addressing the issue of prolonged pre-trial detention.

## Overcrowding

Petit-Goâve, a municipality of 150,000 people, is situated almost exactly atop the epicentre of the 12 January 2010 earthquake. Much of the town’s infrastructure was destroyed in the earthquake, including its court house and civil prison. This further crippled a justice system which had already been facing many challenges, including prolonged periods of pre-trial detention. Since then, the two holding cells of the police commissariat have been used to hold a variety of detainees for lengthy periods of time. Under the applicable international standards these cells would be appropriate to house up to 8 detainees, however they have been used at times to house over 110 individuals.

## Justice Delayed

The majority of the detainees in Petit-Goâve are being held in pre-trial custody, often serving more than the full term of any penalty they may face if convicted. Conditions are deplorable, such that the detainees need to take turns sleeping for lack of floor space. In one instance, a 21-year old female detainee is facing charges of dealing in illegal substances. She was detained

in April 2011, and as of January 2012, she was still being held without having had a bail hearing. Under the applicable Haitian legislation, investigating judges should complete their initial investigation within two months. Nonetheless, this detainee’s file was delayed pending the completion of the investigation by the judge.

## A Multifaceted Challenge

The situation in Petit-Goâve reveals overlapping problems within the administration of police, justice and corrections. MINUSTAH has made use of its comparative advantage of being able to call on experts from relevant fields to collaborate and support national authorities. In September 2011, the MINUSTAH Justice Section, together with colleagues working in Human Rights, Rule of Law Coordination Office, Corrections and the UN Police formed a working group to work with national counterparts to identify and implement solutions in Petit-Goâve. In the first phase of the project the working group inspected the commissariats. The analysis revealed several procedural defects, including delays caused by justices of the peace who failed to transfer files to the prosecutor; investigating judges who would sometimes take more than nine months to conduct investigations; and the discovery of convicts who had served their full sentence but had not been released due to poor information management.

## Interim Solutions

The MINUSTAH working group made a series of recommendations, some of which have been implemented in



*View of detainees in Haitian prison.*

UN Photo

Petit-Goâve: some detainees were transferred to another prison, more frequent criminal court sittings have been held, and the MINUSTAH Justice Section supported training for prosecutors, investigating judges and registry clerks. In August 2011, the MINUSTAH Justice Section started holding regular meetings with members of the Prosecutor's Office, the judiciary and defence to focus efforts on reducing pre-trial detention, which has led to dispositions for almost half of the outstanding files as of January 2012. In addition, the MINUSTAH Justice Section, together with the Engineering Section and Civil Affairs Unit, worked with national stakeholders on

IMPACT 2011

The MINUSTAH Justice Section has been providing logistical support for the establishment and overall management of legal aid offices. By early 2012, a total of 18 legal aid offices were operating throughout the country with coverage in virtually all districts that have a First Instance Court. Since the opening of the first legal aid office in February 2008, 10,838 consultations have been provided and 4,793 liberations have been obtained (statistics as of December 2010, as provided by the International Legal Assistance Consortium).

the design, construction and funding of a new courthouse in Petit-Goâve in 2011. This has allowed all magistrates to work simultaneously instead of having to take turns due to the shortage of courtrooms as had previously been

the case. A greater number of matters are being handled in a more timely fashion, and the number of pre-trial detainees is beginning to decline, however there is still much work to be done. ■

## Frantz Gilot, National Professional Officer, MINUSTAH Justice Section

Frantz Gilot has been a National Professional Officer with MINUSTAH since 2006. He serves as a focal point for efforts to combat excessive pre-trial detention in Haiti.

**Q. Why do you think the issue of excessive pre-trial detention is important?**

**A.** I sincerely believe in the rule of law; that a properly functioning society requires an impartial, just and efficient legal regime. This is important because anyone might someday find themselves detained in custody. Therefore, working to protect the rights of detainees is really working to promote universal rights. This is especially important in Haiti, as the conditions of detention are deplorable, making it absolutely urgent that we address the problem of excessive detention.

**Q. Tell us why you find this work rewarding.**

**A.** In 2008, I worked on a project that reviewed files of youths who were

arrested following a protest against hunger that became violent. I discovered that many of the detentions were in contravention of the law. At that time, there was no functioning legal aid system and these youths did not have affordable access to lawyers. The result was that the necessary release orders were not being prepared. I pushed this issue and was able to secure release orders for 11 young people as this was not otherwise being done; ultimately a judge signed them and they were released.

I kept in touch with one of those youths, and learned that he passed his high school exams, despite the fact that he missed a month of school

while detained. I found this news immensely gratifying.

**Q. What would you like to do in the future?**

**A.** I would like to be an ambassador for Haiti, a decision that has been greatly influenced by my time with the United Nations. I have had the opportunity to participate in international seminars on human rights and judicial affairs, and I find these exchanges of international experiences inspiring. I hope that my experiences in Haiti help to inspire others.



Frantz Gilot (left) with local prosecutor and the Director of the women's prison in Port-au-Prince, Haiti. UN Photo

# Facilitating Critical Rule of Law Functions



UNMIK continues to operate under Security Council resolution 1244 (1999) of 10 June 1999, which 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”.

In line with the Security Council Presidential statement of 26 November 2008 (S/PRST/2008/44), the European Union Rule of Law Mission in Kosovo (EULEX) assumed full operational responsibility in the area of rule of law on 09 December 2008 within the framework of resolution 1244 (1999) and under the overall authority of United Nations.

Consequently, UNMIK reconfigured its justice operations, creating a Rule of Law Liaison Office (RoLLO) which monitors activities in the area of rule of law and continues to fulfil certain residual executive functions that neither EULEX nor the Kosovo institutions are able to exercise.

## Mutual Legal Assistance

Kosovo institutions unilaterally declared the independence of Kosovo on 17 February 2008. A majority of United Nations Member States

has not recognized this independence but they still need to cooperate with Kosovo judicial authorities on criminal and civil matters. This is particularly true for neighbouring states, including Serbia. In the interests of the fight against criminality, one of RoLLO key priorities following

against non-recognizing states has threatened to paralyze judicial cooperation under UNMIK facilitation. To overcome these difficulties, RoLLO is currently working with EULEX on alternative procedures that would satisfy both Kosovo local authorities and non-recognizers.



UNMIK reconfiguration was to facilitate judicial cooperation between Kosovo authorities and non-recognizing states, which refuse to contact Kosovo local authorities directly. To resolve the problem on an interim basis, RoLLO serves as a neutral focal point through which requests for mutual legal assistance to and from non-recognizing states can be processed. While this solution has produced satisfactory results for both non-recognizing states and Kosovo judicial authorities, the current application of the principle of reciprocity by Kosovo governmental authorities

## Supporting INTERPOL

UNMIK Police handed over its executive functions to EULEX in December 2008. However, in the absence of consensus among INTERPOL Member States, coordination with that office has remained under the responsibility of UNMIK in accordance with their Memorandum of Understanding signed in 2002. UNMIK facilitates the interaction of Kosovo with INTERPOL and its Member States.

Requests for International Wanted Notices are submitted to INTERPOL through UNMIK RoLLO either at

the initiative of the Kosovo Ministry of Justice or EULEX. These requests are reviewed by UNMIK RoLLO and UNMIK Office of Legal Affairs to ensure that they satisfy all the requirements under the applicable law. If so, they are signed by UNMIK Special Representative of the Secretary-General and submitted to the UNMIK INTERPOL Liaison Office to be published as Red Notices. In 2011, UNMIK facilitated the issuance of 33 INTERPOL Red Notices against individuals suspected of having committed criminal offences in the territory of Kosovo, including cases of murder, drug trafficking, organized crime, trafficking of human beings, organ trafficking and war crimes. Fourteen individuals have been arrested on the basis of INTERPOL Red Notices issued at the request of UNMIK, of whom 11 were subject to a

transfer procedure facilitated by UNMIK.

UNMIK RoLLO routinely assists with finding legal solutions for problems which may arise, be they in individual cases or in the context of the daily activities of UNMIK INTERPOL Liaison Office, such as advising on the use of status neutral terminology, particularly in its dealings with Serbian authorities. Further to its responsibilities in this area, UNMIK attended the 80th session of the ICPO-INTERPOL General Assembly, held from 31 October to 03 November 2011 in Hanoi, Vietnam, as an observer. A representative of EULEX in Brussels, invited separately, also attended the General Assembly in an observer capacity. UNMIK RoLLO and the

## IMPACT 2011

**UNMIK processed 292 requests for mutual legal assistance and 69 requests for International Wanted Notices. At the request of individuals, UNMIK also certified 819 official documents (such as diplomas and civil documentation) issued by local authorities and to be used in non-recognizing States.**

UNMIK INTERPOL Liaison Office used this important opportunity to meet with representatives of the INTERPOL Secretariat and EULEX to discuss specific cases, as well as methods of improving EULEX participation in the UNMIK INTERPOL Liaison Office and interaction between the police institutions of Kosovo and non-recognizing countries. ■



*A general view of the town of Orahovac (Rahovec).*

*UN Photo/Flaka Kuq*



Liberian Law Reform Commission.  
UN Photo

United Nations Mission in Liberia **UNMIL**

# The Liberia Law Reform Commission, Five Year Strategic Plan and Its Impact



In furtherance of its mandate to “assist 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” (S/RES/1509 (2003)), the Legal and Judicial System Support Division (LJSSD) of the United Nations Mission in Liberia (UNMIL) has conducted a thorough mapping exercise of rule of law institutions for purposes of determining gaps and needs. One of the primary findings of the analysis was that the laws of Liberia are flawed, outdated, inconsistent and underdeveloped. This impedes the pursuit of good governance, justice, and democratic development.

## 2006–2011

As part of its response to the findings, LJSSD organized a two-day symposium in August 2006 to discuss with stakeholders the need to establish a Law Reform Commission. In 2009, the government of Liberia established the Law Reform Commission by way of an executive order to spearhead the law reform process. The Commission was endorsed by an Act of Parliament adopted in June 2011. It is tasked with streamlining the law reform and review process in Liberia, ensuring that the process is participatory and responsive to the needs of Liberia.

### Capacity Building

UNMIL and the Government of Liberia identified an urgent need for capacity building within the Commission, as well as increased resources and

political support. UNMIL worked with the Commissioners to tackle these challenges, agreeing on the development of a strategic plan which identifies the Commission’s objectives and means to implement them. Subsequently, UNMIL provided technical advice and financial support for two consultants to assist in the development of a 5-year strategic plan (“strategic plan”) to guide the work of the Commission.

### Mentoring

One consultant focused primarily on mentoring the Commissioners in, inter alia, the development of policy guidelines and in the use of best practices from other national law reform commissions. The second consultant was tasked to build the technical capacity of Commissioners through training on legal research methodologies and legislative



drafting. This support enabled the Law Reform Commission, in collaboration with the Ministry of Justice, the judiciary and UNMIL to accomplish a number of critical tasks, including the revision of the Jury Law and the Law for the Extension of Jurisdiction for Magisterial Courts, the publication of Volume 42 of the Liberian Law Report; the enactment of the Commercial Code and the development of a Staff Regulations Handbook for the Commission.

## Regional Links

In addition, LJSSD assisted the Commission in establishing links with regional law reform commissions. For example, in preparation of the strategic plan, UNMIL arranged visits of the Nigerian Law Reform Commission to exchange ideas on the functioning of both commissions. In return, members of the Liberian Law Reform Commission were invited to Nigeria to participate and make a presentation at the National Conference on the review and reform of the Nigerian Trustee Investment Act. The visit afforded the members of the Commission the opportunity to gain practical experience in a consultative forum on review and reform of laws.

## Strategic Plan

The strategic plan was launched in September 2011 and identifies seven strategic themes, which should guide the Commission's activities and

## IMPACT 2011

UNMIL completed an analysis on case progression in the Liberian judiciary and issued a Consolidated End of Term Court report which also incorporated the findings of the Tracking of Sexual and Gender Based Violence cases conducted in 2010. Cases of Sexual and Gender Based Violence were reportedly high across the country. The purpose of the analysis is to enable the judiciary to make policy decisions in terms of dealing with the backlog of cases and reducing prolonged pre-trial detention. The assessment also extended to the traditional justice system. UNMIL conducted an assessment of case progression in the Tribal Governors' Courts and subsequently, in collaboration with the Carter Center, trained 93 Tribal Governors on basic Liberian laws.

contribution to the Government's development agenda. The strategic themes are: capacity building; coordinated and integrated law reform initiatives and processes; law revision, review and reform of outdated laws; inconsistent and underdeveloped laws; codification of the laws and Supreme Court opinions; increased access to the laws; and implementation of the plan.

In developing its strategic plan, the Commission considered its present challenges, ranging from socio-economic and political factors which affect how it discharges its mandate, and more practical considerations such as the need for capacity-building for Commission staff and low budgetary allocation.

## Validation of Plan

Working closely with the Commissioners at every stage of the process, UNMIL helped in the validation of the

strategic plan, bringing together stakeholders within the government, legislature, civil society and other justice sector actors. The validation process provided a sounding board to determine the way forward in review and reform of laws in Liberia and underscored the need for collaborative effort among all stakeholders in the process to address the current challenges and ensure coordinated and coherent law reform initiatives and processes.

## Early Results

Despite the challenges, the strategic plan has started to show results with regard to coordination of law reform initiatives. The Commission has assumed the leadership role in this aspect, ensuring that there is no duplication with the functions of the Codification Section of the Ministry of Justice. Similarly, the Commission is discussing with the Government the role it will play in the constitution reform process, which is expected to be significant.

The Commission is beginning to show its added value, in particular in terms of raising awareness in the Government and among the public, as to the legislative reform process. In order to fully realize the goals of the strategic plan, the Commission will have to retain its focus on the major challenges it faces. UNMIL will continue to support it in these efforts. ■



*Working session of the Commission.*

UN Photo

# Working to Help End Prolonged, Arbitrary Detention



On 9 July 2011, the Republic of South Sudan celebrated its independence. The new nation prepared for the work ahead as it emerged from decades of brutal conflict, during which more than two million lives were lost, millions fled, and most infrastructure was destroyed. South Sudan's challenge of creating an effective, functioning government, consistent with its international aspirations and obligations, is being actively supported by the United Nations mission.

## Mandate

United Nations Security Council resolution 1996 (2011), which established UNMISS, “[c]alls upon the Government of the Republic of South Sudan to end prolonged, arbitrary detention, and establish a safe, secure and humane prison system through the provision of advice and technical assistance, in cooperation with international partners, and requests UNMISS to advise and assist the Government of the Republic of South Sudan in this regard.”

## Justice Advisory Section

The Justice Advisory Section (JAS), the judicial component of the Rule of Law and Security Institutions Office, in coordination with relevant components of the Mission, and with the United Nations Development Programme, is playing a major role in providing advice

and technical assistance to the Government to strengthen its efforts to end prolonged, arbitrary detention.

## National Challenges

The justice sector faces enormous challenges, many of which contribute to the problem of prolonged, arbitrary detention. Courts are understaffed due to an insufficient number of judges and prosecutors in the country. This problem is especially acute outside of the state capitals; many counties have no working judges or prosecutors at all. While most judges and all prosecutors have completed legal education, many lack the experience and practical training to sufficiently administer justice. Also, many judges and prosecutors are not fully acquainted with the common law legal system used in South Sudan because they were trained in civil law

or Sharia law systems as used in the Republic of Sudan or in Egypt. Additionally, many of them are not familiar with legal terminology in English, the language in which the legislation is published and which is used by the new nation's judiciary, since many of the current judges and prosecutors are native Arabic speakers and studied law in Arabic.

## Traditional Justice

Continued deficits in the formal system have ensured that customary justice processes play an increasingly important role. With approximately 85% of the population living in rural areas in South Sudan, traditional justice continues to fill the gap in the delivery of justice and complements the formal justice system. While traditional justice courts are recognized under the South



*UNMISS Judicial Affairs officer with Wau County judge.*

*UN Photo*

Sudanese codes, traditional courts are not permitted to handle criminal cases that could result in a sentence greater than six months imprisonment. However, notwithstanding the applicable legal codes, in many areas the traditional courts adjudicate serious criminal cases, thus exceeding their jurisdiction under the law and violating individual rights. This causes individuals to be incarcerated for acts that are not defined as crimes under the applicable law.

### Public Defenders

Outside of Juba and Wau, South Sudan's two largest cities, defence lawyers are practically non-existent. The few who exist sometimes travel to the states to represent criminal defendants, but only when the defendant can pay for their services. Although the Government is required by law to provide lawyers to defendants in capital cases free of charge, in practice this rarely happens.

### Training and Mentoring

Following independence, UNMISS Judicial Affairs officers based in the states began advising justice sector officials on relevant legal provisions and procedures to reduce prolonged, arbitrary detention. In Jonglei State, JAS worked with police and investigation prosecutors to monitor police detention facilities and properly document detention periods. JAS also conducted sessions with the police, prosecutors, and judiciary to better understand their respective roles in the criminal justice system and to discuss methods for improving the speedy transfer of cases so as to reduce periods of prolonged detention.

## IMPACT 2011

**UNMISS provided the Government of South Sudan with technical advice in support of its three-year strategic framework for its newly established Ministry of Justice and its strategies on criminal justice and legal aid.**

**A joint team of UNMISS Judicial Affairs officers and Corrections Advisers undertook an initial mapping of arbitrary and prolonged detention, focusing on Wau and Kuajok. This exercise is to establish a methodology for future mapping which will assist national authorities to send mobile teams of judges and prosecutors to address arbitrary detention country-wide.**

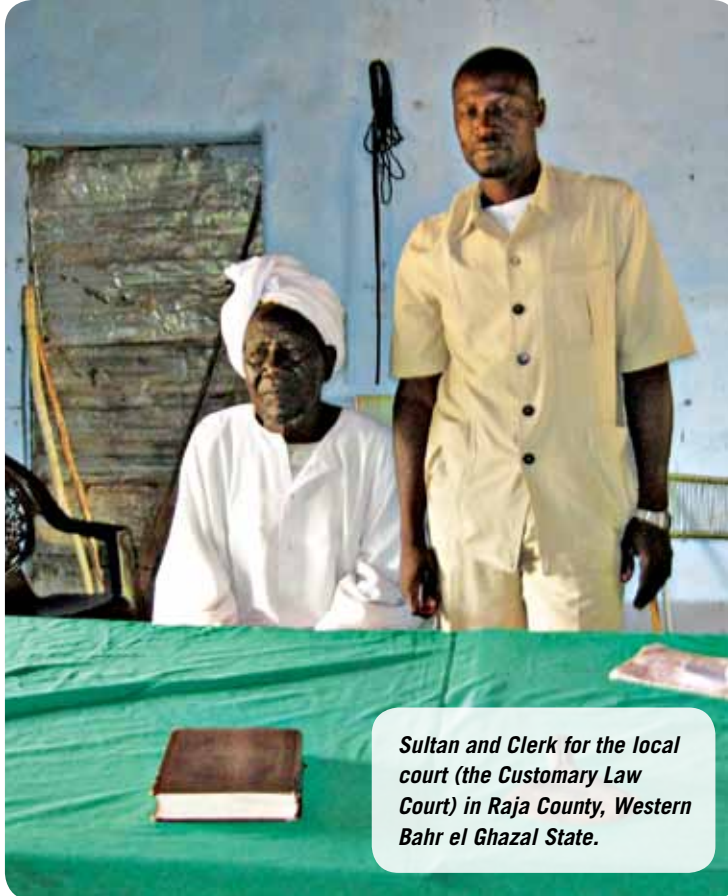
Early results have shown decreased involvement by the Jonglei State customary courts in murder cases that exceed their jurisdiction, while High Court judges have conducted increased numbers of murder trials.

Delayed trials are attributable, among other things, to lengthy, slow-paced investigations. As part of its efforts to assist in addressing this challenge, in Western Bahr el Ghazal, during July and August, 2011, JAS supported weekly advisory sessions for the police and investigating prosecutor on

legal detention periods and evidence required to prove common offences. JAS also worked with the State Attorney General, the State Police Commissioner, and United Nations Police to establish a training programme for police and investigating prosecutors on the penal code and evidence gathering, aimed at improving the investigation process so as to reduce prolonged detention.

### Facilitating Transport

To support the Government in ending prolonged, arbitrary detention outside of state capitals, UNMISS, through JAS, the United Nations Police and the Human Rights Section, has been working with the Government to expand its transport of justice officials to areas without a functioning justice sector; this allows prosecutors to complete case investigations, judges to determine the legality of arrests, and trials to be conducted. JAS is also working with both the prosecutors and the judiciary to transport representatives from both institutions to the eleven counties without a functioning justice sector so that trials can be conducted where the alleged offence occurred, where the witnesses and evidence exist, and where the public could see the administration of justice in their locality. ■



*Sultan and Clerk for the local court (the Customary Law Court) in Raja County, Western Bahr el Ghazal State.*

# Supporting the Fight Against Corruption



## Ameerah Haq

Special Representative of  
the Secretary-General for Timor-Leste

In 2012, Timor-Leste celebrates 10 years since the restoration of its independence. The past decade has been marked by intense state-building efforts and remarkable progress in creating national institutions able to deliver security, democracy and development to all Timorese.

The fight against corruption is central to achieving Timor-Leste's development aspirations. As a young country, Timor-Leste has a rare opportunity to ensure, right from the beginning, that its institutions are transparent, accountable, and effective and that its resources are used for the benefit of all citizens. From my experience working in countries where corruption is a both pervasive and deeply rooted obstacle to development and stability, the importance of this opportunity cannot be overstated.

Encouragingly, Timor-Leste has taken several steps against corruption. In March 2009, it became a party to the United Nations Convention Against Corruption (UNCAC) and established an Anti-Corruption Commission (ACC) on 15 July 2009. The ACC is an independent body mandated to prevent and investigate crimes of corruption. It is also tasked with coordinating all matters related to the implementation of the UNCAC — an important tool to ensure adherence to international standards on corruption.

Supporting the ACC in its fight against corruption is an important part of the United Nations work on rule of law in Timor-Leste. In 2011, UNMIT was requested to help the ACC conduct the first-ever national assessment of the UNCAC in Timor-Leste. This support has been a unique experience for a peacekeeping mission, and has helped

Convention. UNMIT responded to the ACC request for support in this process, and the Mission's Administration of Justice Support Unit mentored ACC colleagues as they conducted the required review of the treaty provisions, compared them with Timorese domestic law, and ascertained achievements to date by national



*Ms. Haq and Anti-Corruption  
Commissioner Aderito de  
Jesus Soares.* UNMIT / Martine Perret

lay the groundwork for anti-corruption work which will need to continue long past the UNMIT mandate.

As a signatory to the UNCAC, Timor-Leste was chosen to undergo a country review on the implementation of the provisions in the UNCAC on criminalization, law enforcement and international cooperation. The review consists of an initial self-assessment by the country under review, and a subsequent peer-to-peer review by experts from other signatories to the

justice institutions as well as remaining legislative gaps. Importantly, the assessment also evaluated the time it takes for the justice system to process corruption cases.

In addition to the direct advice and guidance provided to the ACC, UNMIT also played an important coordination role, harmonizing the anti-corruption support provided by different UN components and promoting coordination among bilateral donor programmes in the area.

Thus far, the ACC has achieved a number of positive results following the assessment. Timor-Leste is now better prepared to further implement international treaty obligations. The legislative gap analysis has allowed it to identify concrete needs for technical assistance from the international community. Finally, the review process has helped build the capacity of a national team of five officers to conduct similar progress assessments of Timor-Leste or other countries as part of the UNCAC peer-to-peer review mechanism.

At a broader level, the assessment will have a significant impact on the forthcoming development of a national strategy and legal framework on anti-corruption, serving as a roadmap towards institutions that are independent and more forceful in tackling corruption.

## IMPACT 2011

UNMIT has supported national counterparts to:

- » Strengthen cooperation between prosecution and police services through a series of technical workshops
- » Include input related to gender justice in the draft National Action Plan against Gender-Based Violence
- » Complete the country assessment on implementation of two chapters of the United Nations Convention against Corruption

International support to Timor-Leste's anti-corruption efforts has been an important part of the broader work to strengthen rule of law and consolidate peace and stability in the country. However, much work remains to be done. As I stressed in my speech on International Anti-Corruption Day on 9 December, fighting corruption requires commitment from the entire justice system. Prosecuting cases and bringing those guilty of crimes to justice is ultimately what sends a clear

and unequivocal signal that corruption will not be tolerated.

UNMIT stands ready to support Timor-Leste on this path until the end of its mandate, and will work hard to ensure that this support is continued by other partners when the Mission leaves. In the meantime, we are proud to be working alongside institutions such as the ACC, and celebrate their impressive achievements to date. ■



*Ballot boxes being moved ahead of the second Timorese presidential election.*

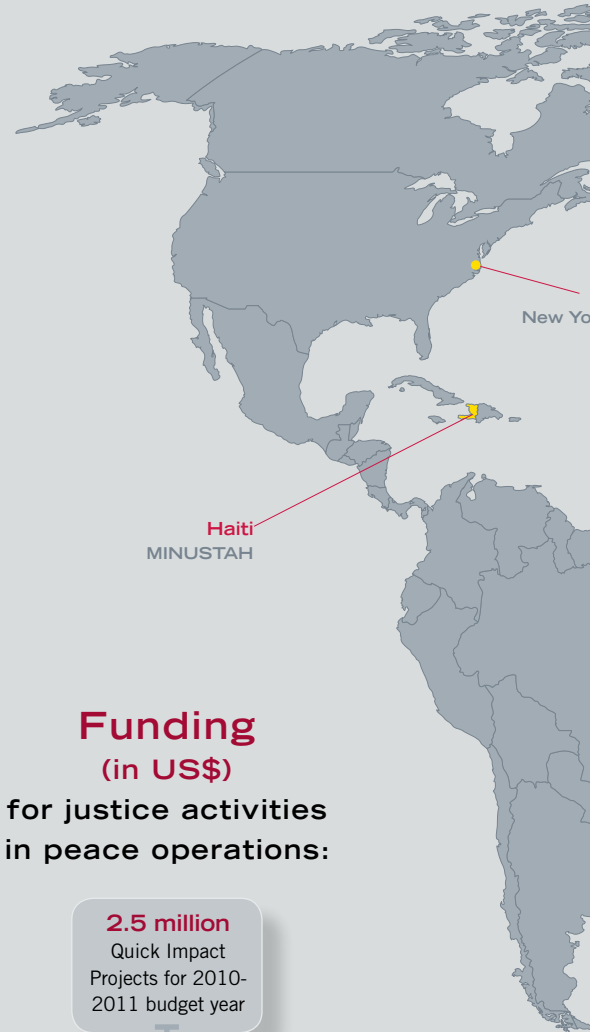
*UN Photo / Martine Perret*

# Strengthening Legal and Judicial Systems

## Core Responsibilities

What are the core responsibilities of justice components in peace operations?

- » Assist national authorities in the re-establishment of the rule of law and justice institutions
- » Support the strengthening of the constitutional and legislative framework and develop strategies for development of the rule of law sector
- » Prepare and implement integrated United Nations police, judicial and corrections strategies and programmes in support of security, justice and stabilization
- » Train and advise magistrates and other judicial personnel and support their deployment
- » Facilitate the rehabilitation of judicial infrastructure and the provision of equipment
- » Provide technical assistance for the prosecution of serious crimes



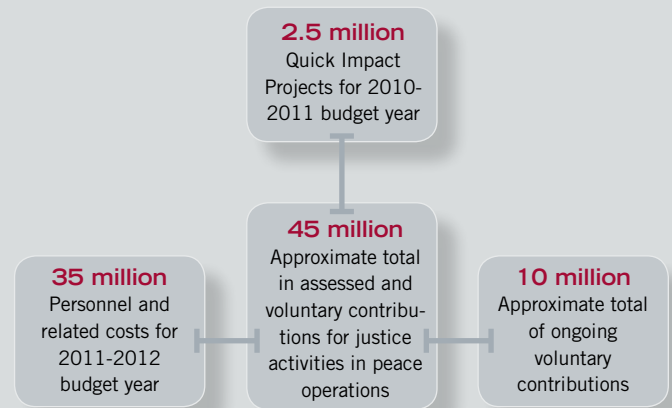
## 2011: A year of milestones

In 2011, CLJAS, with support from partners within and outside the United Nations, significantly strengthened DPKO capacity to deliver justice support on the ground through the following ground-breaking initiatives:

- » Justice and Corrections Standing Capacity
- » First deployments of seconded justice officers
- » Roll-out of the Rule of Law Indicators
- » Production of a comprehensive Rule of Law Handbook and Instructor's Manual
- » Team of Experts on Sexual Violence in Conflict
- » Islamic Law expert appointed at CLJAS
- » Start-up of Prosecution Support Cells

## Funding (in US\$)

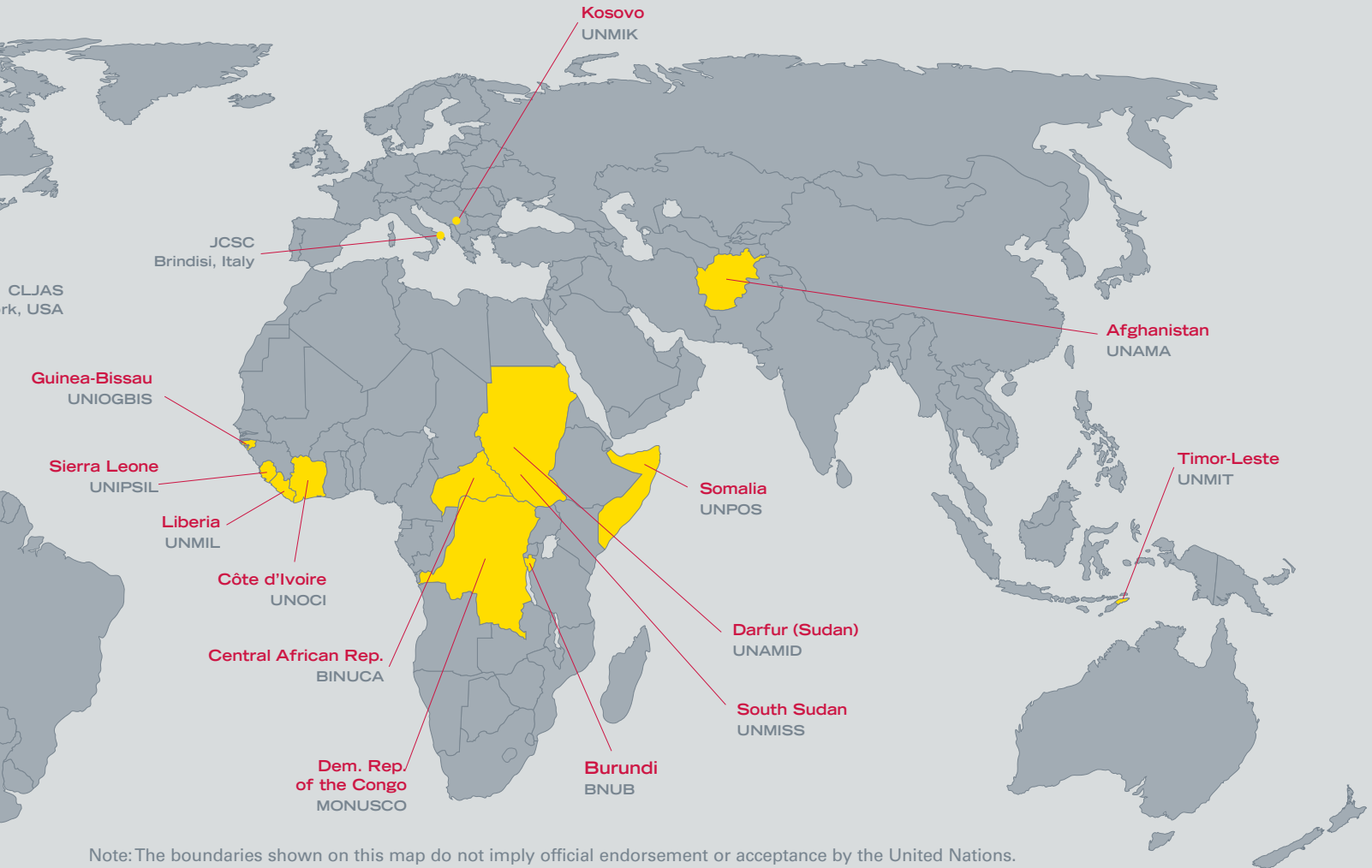
for justice activities in peace operations:



## The Role of CLJAS

Role of the Criminal Law and Judicial Advisory Service (CLJAS), within the Office of Rule of Law and Security Institutions:

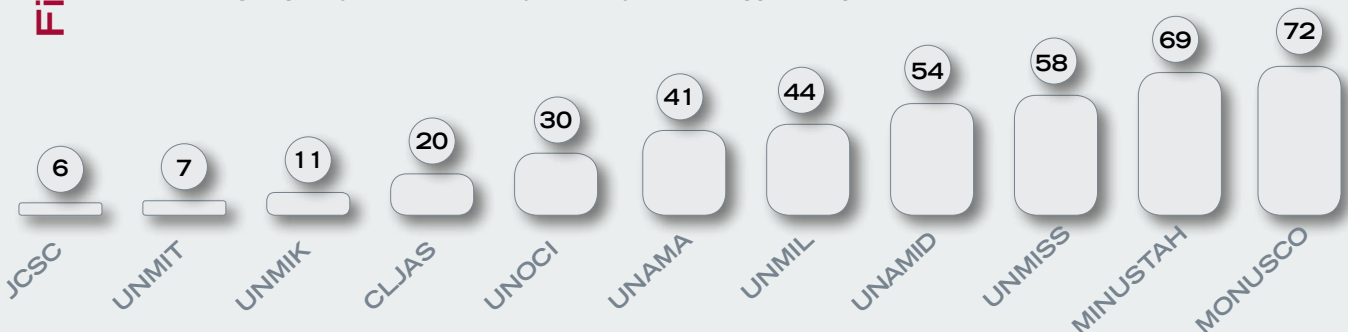
- » Plan, review and assess justice and corrections components in the field
- » Provide advice and technical support to DPKO-led peace operations and, upon request, to DPA-led missions
- » Develop technical guidance material, tools and training programmes for field staff
- » Maintain and strengthen partnerships with other rule of law actors to maximize support to host countries



## CLJAS and Field Personnel

DPKO has the highest number of justice sector staff deployed within countries with United Nations peace operations.

- » Through the integrated mission concept, DPKO draws upon the capacities of all available partners to support the implementation of justice and rule of law aspects of Security Council mandates.
- » As of 1 January 2012, 389 personnel were authorized to support justice activities in peace operations; and
- » CLJAS has 20 staff members at Headquarters in New York, and 6 staff members in the Justice and Corrections Standing Capacity in Brindisi, Italy, to carry out its support responsibilities.



# Partnerships at Work





# OHCHR and DPKO: Working Together



UN Photo



**Navi Pillay,**  
United Nations High Commissioner for  
Human Rights, OHCHR

Combating impunity and strengthening accountability, the rule of law and democracy underpin all the work undertaken by the Office of the High Commissioner for Human Rights (OHCHR) in the exercise of its mandate to promote and protect human rights for all. OHCHR is fully engaged in these areas regarding which it has developed considerable and wide-ranging expertise.

In enhancing accountability for violations, fostering transitional justice measures and supporting institution-building, including administration of justice systems compliant with international human rights norms, OHCHR has greatly benefited from its partnership with other entities within the UN system. Through the human rights components in peace missions, OHCHR works closely with DPKO rule of law sections in the field. OHCHR supports the human rights components

by providing expert advice, technical assistance and functional support on human rights issues. This work takes into account, inter alia, recommendations issued to States by the human rights treaty bodies, Special Rapporteurs of the Human Rights Council or formulated by the Council itself in the context of the Universal Periodic Review process. Our Geneva-based Rule of Law and Democracy Section also provides support to human rights components and works with DPKO on specific projects.

One of our innovative initiatives in the field of administration of justice is the joint DPKO-OHCHR Rule of Law Indicators Project, designed to assist States in shaping robust criminal justice institutions grounded in

*The indicators specifically provide relevant measures relating to the treatment of minorities, children, refugees, stateless persons and other discriminated groups by the police, courts and prison officers.*

international human rights standards and principles and the rule of law. These indicators are designed to provide a basis to empirically measure the strengths and effectiveness of law enforcement, judicial and correctional institutions. The indicators specifically provide relevant measures relating to the treatment

of minorities, children, refugees, stateless persons and other discriminated groups by the police, courts and prison officers. Furthermore, the voices and views of ordinary people who come into contact with criminal justice institutions are recognized in the project as an important source of information. Thus, the confidence that right holders have in their institutions is taken into consideration when measuring the performance, integrity, transparency, and accountability of national criminal justice institutions. We look forward to collaborating further with DPKO to implement ROLIP, so as to ensure that it achieves its objectives.

My Office also contributed to a comprehensive publication prepared by DPKO for rule of law training for Judicial Affairs officers in UN Peace Keeping Operations. OHCHR was extensively consulted and instrumental in developing those parts of the publication that address transitional justice and broader issues of human rights in the administration of justice. In addition, OHCHR trainers have been taking part in the twice yearly training workshops organized in the field for the staff of UN peace operations.

A coordinated, coherent, and responsive UN approach to the rule of law and accountability strengthens the delivery of assistance and sends a stronger human rights message. OHCHR remains fully committed to this approach. ■

# Fighting Against Impunity for Perpetrators of Sexual Violence



Conflict in the Democratic Republic of the Congo (DRC) has been marked by some of the most severe cases ever documented of mass rape and sexual violence used as a tactic of war against a civilian population, coupled with impunity for the perpetrators of such crimes.

## Sexual Violence Unit

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the UN Country Team have been working together to deliver support to the Government's efforts to advance the comprehensive National Strategy to Combat Sexual Violence. The MONUSCO Sexual Violence Unit works to ensure a coherent and coordinated UN response to this strategy and its five components: Combating Impunity (Ministry of Justice/ United Nations Joint Human Rights Office); Protection and Prevention (Ministry of Social Affairs/ UNHCR); Security Sector Reform (Ministries of Defence and Interior/MONUSCO Security Sector Development); Multi-Sectoral Assistance for Survivors (Ministry of Health/UNICEF) and Data & Mapping (Ministry of Gender, Family and Children/UNFPA).

## Combating Impunity

Although there have been some positive developments with regard to trials and convictions

of low-ranking soldiers and police officers, more needs to be done to address impunity for perpetrators of sexual violence and to implement national legislation and President Kabila's "Zero Tolerance policy". On the one hand, weaknesses within the judicial system, including officials' encouragement of victims to engage in out-of-court settlements and interference from political or military actors, perpetuate a culture of impunity. On the other hand, a series of factors, ranging from the social stigmatization of rape victims and the costs associated with legal aid, to the geographical distance of victims to a

court and a general lack of confidence in the judicial system, discourage victims from seeking justice.

## Joint Human Rights Office

The Joint Human Rights Office, established in 2008 to integrate the MONUSCO Human Rights Division and the Office of the UN High Commissioner for Human Rights in the DRC, in partnership with the Government, Congolese civil society, other United Nations agencies and the international community, is at the forefront of efforts to fight impunity and bring the perpetrators of sexual violence to justice.



*Scott Campbell Director of the Joint Human Rights Office and Deputy Representative Leila Zerrougui in eastern DRC.*

*Photo: MONUSCO / Sylvain Liechti*



*Two members of the Joint Protection team gathering information in Kimua, DRC.*  
 Photo: MONUSCO / Sylvain Liechti

Since 2008, the Joint Human Rights Office has supported 36 legal clinics in nine provinces affected by the phenomenon of sexual violence. These legal clinics have been supported through projects funded by the Canadian International Development Agency, the Swedish International Development Cooperation Agency and the Governments of Belgium and Brazil. Managed by national NGO partners, these clinics provide free legal assistance to victims and their families in addition to organizing outreach activities within the communities. They have effectively overcome several major obstacles to accessing justice, including geographical distance and court costs, allowing thousands of women from cities such as Lubumbashi, Goma and Kinshasa, and

from remote areas such as Shabunda (South Kivu) or Rutshuru (North Kivu), to be supported to file their complaint in court.

In collaboration with partners, the Joint Human Rights Office has also provided protection to victims or witnesses involved in these cases.

### Practical Assistance

As in other post-conflict societies, the judicial system in the DRC faces several hurdles in combating impunity. The Joint Human Rights Office provides magistrates with logistical support during investigations and trials of sexual violence cases. In 2010 and 2011, more than 30 Joint Investigation Teams were organized with magistrates and

policemen to investigate sexual violence cases and 217 judgments related to sexual violence were delivered in 2011, of which there were 31 acquittals and 27 appeals.

The fight against sexual violence in a post-conflict society can only succeed when communities are properly informed of the means of redress available to them. Victims often face stigma in their communities when they testify and make their voices heard. The Joint Human Rights Office's involvement of community leaders in the implementation of the law through consultations, workshops and assisting local initiatives has been essential to achieving positive change for men, women and children in the DRC. ■

# The United Nations Rule of Law Indicators



Building and strengthening rule of law, particularly in countries in transition or emerging from a period of armed conflict, is a central focus of the work of the United Nations. As Security Council and General Assembly mandates calling on UN entities to address rule of law issues have increased, the United Nations sought a tool to evaluate this broad area of work.

The United Nations Department of Peacekeeping Operations (DPKO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), in close cooperation with other UN departments, agencies, funds and programmes, developed such an instrument. The United Nations Rule of Law Indicators, following two years of research and consultations, was published last year.

In January of this year, when addressing the Security Council on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Settings, Secretary-General Ban Ki-moon noted that “we should use the United Nations Rule of Law Indicators, designed to monitor criminal justice institutions, during and after conflicts”.

The tool consists of a set of indicators, part of an emerging body of empirically-based approaches to measuring the strengths and effectiveness of law enforcement, judicial and correctional institutions. The instrument, in contrast to some other measurement tools, is designed to highlight apparent successes and shortcomings within

institutions and to monitor changes over time within countries. The Indicators were designed to be implemented in collaboration with national governments and can become an ongoing monitoring mechanism.



***This tool is available for use by all concerned parties, governmental and non-governmental organizations. The United Nations Rule of Law Indicators document is available at: <http://www.un.org/en/peacekeeping/issues/ruleoflaw/index.shtml>***

“These indicators, plus implementation guide and related tools, were developed after implementation on a pilot basis of an earlier set of indicators in Haiti and Liberia,” Dmitry Titov, Assistant Secretary-General for Peacekeeping Operations, said at news conference at UN Headquarters in July 2011. They are designed to “highlight

apparent successes and shortcomings within institutions and to monitor changes over time within countries,” Mr. Titov said, adding that the indicators are not intended to support direct comparisons between States or rank them.

Ivan Šimonovic, Assistant Secretary-General for Human Rights, OHCHR, also stressed at this event that the rule of law is a precondition for the UN key pillars of peace and security, development and human rights, and described the indicators as a “powerful diagnostic instrument” to measure performance, capacity and integrity of rule of law as a tool of governance.

The Indicators are being used in Haiti, Liberia and the Republic of South Sudan in close partnership with the national authorities of these countries. Detailed reports for each country will be completed in 2012. ■

## Acknowledgement

The United Nations Rule of Law Indicators were endorsed, through the Rule of Law Coordination and Resource Group, by the Department of Political Affairs and the Office of Legal Affairs of the United Nations, the United Nations Children’s Fund, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Office of the United Nations High Commissioner for Refugees and the United Nations Office on Drugs and Crime. All the members of the Rule of Law Coordination and Resource Group and the World Bank provided advice and support. The United Nations Rule of Law Indicators were developed with the assistance of the Vera Institute of Justice / Altus Global Alliance (VIJ/AGA), a network of six nongovernmental organizations and academic centres based in Brazil, Chile, India, Nigeria, Russia, and the United States, and consultants from the University of the Fraser Valley and Harvard University. This instrument was tested on a pilot basis in Haiti and Liberia. The United Nations would like to express its appreciation to the Governments of Australia, Canada, Finland, Haiti, Liberia, Luxembourg, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland for their generous support for this project.

# Justice and Peacebuilding



UN Photo



## Judy Cheng-Hopkins

Assistant Secretary-General for  
Peacebuilding Support

One of the main goals of the United Nations peacebuilding agenda is to assist countries coming out of violent conflict or severe crisis to establish effective and accountable institutions that ensure basic service delivery to the country's citizens. This would only be possible if the rule of law is respected and national justice capacities strengthened to promote coexistence and peaceful resolution of conflict.

Today, five years after its official launching, the Peacebuilding Fund has dedicated 40 per cent of its budget to support activities related to Security Sector Reform and Rule of Law. The Peacebuilding Fund's contributions have demonstrated the UN capacity to help build institutions that strengthen the rule of law and respect for human rights. In Burundi, early support for the Human Rights Commission by the Fund and BNUB in 2009 bore fruit in June, 2011, when the National Assembly formally elected the Commissioners. In the

Central African Republic, the Fund's support through UNHCR, assisting the judicial sector and addressing human rights challenges, resulted in an increase in the number of cases brought before the local courts. Key to the improved access to legal aid for women in conflict-affected communities was the close collaboration with a local women lawyers' network and the establishment of legal clinics. In Liberia, a Security and Justice Hub is being established to extend services to rural counties. This is a good example of joint efforts by the United Nations Mission in Liberia, the Peacebuilding Commission, the Peacebuilding Fund, the United Nations Country Team (UNDP and UNOPS) and the Government. Partial funding is earmarked for four more hubs, providing incentives for the successful operation of the first pilot and for additional resource mobilization.

The Fund also supports transitional justice work. In Nepal, technical assistance has been provided to develop key pieces of legislation, including establishing a Truth and Reconciliation Commission and a Commission of Inquiry for Disappearance. Both are currently under consideration by the parliament. Support has also been provided to a Transitional Justice Resource Centre, which has updated and submitted to the national authorities several thousand cases of alleged human rights violations. In Côte d'Ivoire the Fund has contributed one million USD to help establish the National Dialogue, Truth, and Reconciliation Commission.

Despite these encouraging examples of Peacebuilding Fund engagement in post-crisis countries, there are daunting challenges that remain to be addressed in ensuring an effective restoration of the rule of law in many countries affected by conflict. Going forward, complex issues continue to face the UN in assisting national governments: How to re-establish security in a context with multiple armed groups still to be dismantled; large numbers of weapons illegally in circulation; weak security and justice institutions; lack of trust amongst populations; lack of confidence in uniformed personnel; and sometimes biased or dormant civil society. In addition, new threats to national security and rule

*Today, five years after its official launching, the Peacebuilding Fund has dedicated 40 per cent of its budget to support activities related to Security Sector Reform and Rule of Law.*

of law institutions such as terrorism, illegal circulation of small and light weapons, transnational drug trafficking and organized crime are emerging from a regional perspective. The Peacebuilding Support Office's participation in the joint UN mission last December, to assess the impact of the Libyan crisis in the Sahel, is an expression of the office's commitment to support regional initiatives for peace consolidation and justice. However, while no blueprint solutions exist, we

*continues next page*

can start addressing these challenges by responding pro-actively to crises, enhancing coordination, and streamlining the international community's support to national authorities.

In countries with a peacekeeping presence, collaboration with the Department of Peacekeeping Operations ensures follow-up of PBF-supported activities by Civil Affairs, Rule of Law and SSR sections and seeks synergies with Quick Impact Projects (QIPS) and other field missions' programmes. We need to continue to

strengthen our collaboration with the Department of Political Affairs (DPA) and United Nations Country Teams in non-peacekeeping settings to avoid duplication of efforts and streamline our approaches for our delivery as one. In that regard, working with UNOWA in Dakar and DPKO Office of Rule of Law and Security Institutions in New York, the Peacebuilding Support Office is supporting the Government of Guinea to implement its Security Sector Reform Agenda, by providing financial assistance for the

deployment of a Senior Security Sector Reform Adviser to the President of the Republic, the development of a strategy and a biometric census, and for the overdue retirement of nearly 4,000 military personnel.

The Peacebuilding Support Office remains committed to pursuing efforts to support justice activities in countries in transition, while national planning for longer term sectoral reform is underway with assistance from the UN and the overall international community. ■

## Peacebuilding Fund in Action



*New Police uniforms in Burundi.*

*UN Photo*



*Initial training on transitional justice supported by the Peacebuilding Fund in Nepal.*

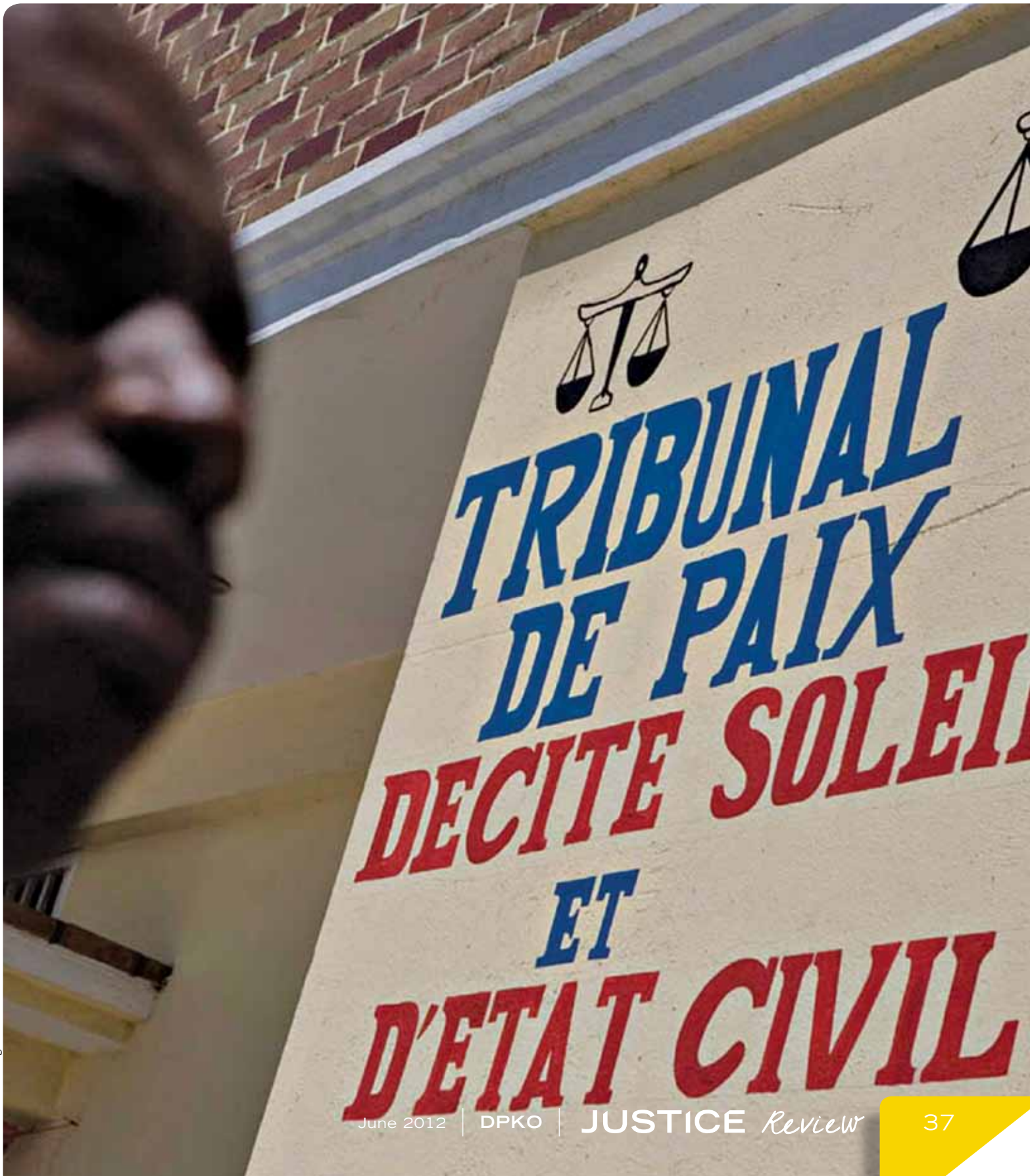
*UN Photo*



*Assisting the judicial sector and addressing human rights challenges, resulted in an increase in the number of cases brought before the local courts. Key to the improved access to legal aid for women in conflict-affected communities was the close collaboration with a local women lawyers' network and the establishment of legal clinics in Liberia.*

*Photo: UNICEF / NYHQ2007-0663-Pirozzi*

# Criminal Law and Judicial Advisory Service



# Towards a Better Understanding of Islamic Law

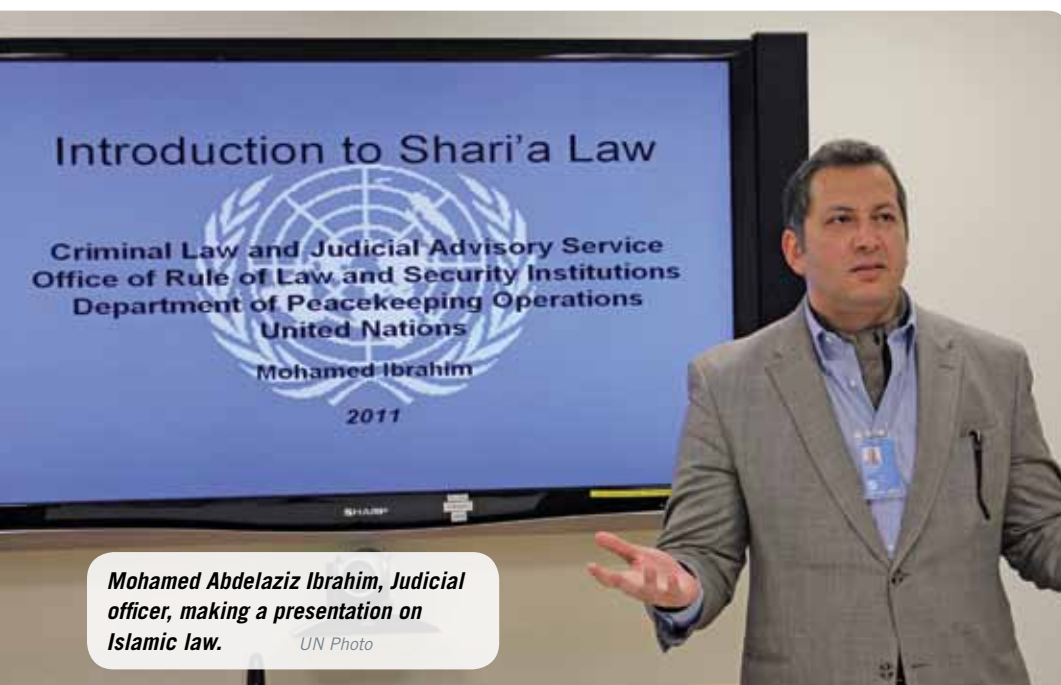


The Department of Peacekeeping Operations (DPKO) is taking proactive steps to increase its expertise in the area of Islamic law. This initiative will allow DPKO to be better positioned to help strengthen the rule of law in countries in which Islamic law features.

able to support DPKO in formulating strategies and policies for justice sector activities in field missions as part of a comprehensive rule of law approach, which integrates international human rights standards, where Islamic law is applicable. This increased capacity also allows for more focused planning of justice and legal system aspects of peace

The new Islamic law expertise within CLJAS/DPKO is proving to be invaluable in the wake of the Arab spring and the multi-faceted transformation processes taking place in North Africa and the Middle East. These developments are likely to lead to more international assistance in support of democratic aspirations and strengthened rule of law in the region.

As part of its work in Islamic law, CLJAS, in partnership with the Cairo Centre for Training on Conflict Resolution and Peacekeeping in Africa and the German Centre for International Peace Operations (ZIF), convened an Expert Workshop on Islamic Law, The Rule of Law and International Peace Operations in Cairo in June 2011. The purpose of the workshop was to encourage dialogue and to draw upon international best practices in relation to the rule of law and conflict resolution within the Islamic context. The workshop covered a number of topics including the historical development of Islamic law, its relation to United Nations principles and international law, the rule of law in Islamic legal systems and the challenges of strengthening the rule of law in post-conflict societies. A second expert workshop, planned for June 2012, will consider Sharia, criminal justice and transitional justice. The workshop will discuss the relationship between Islamic law and international strategies to promote the rule of law in post-conflict societies, and debate whether and to what extent Islamic law and practices should be incorporated into international strategies to resolve conflicts and to strengthen the rule of law in Muslim post-conflict societies. ■



*Mohamed Abdelaziz Ibrahim, Judicial officer, making a presentation on Islamic law.*  
UN Photo

As part of this effort, DPKO Criminal Law Judicial Advisory Service (CLJAS) added a Judicial officer specializing in Islamic law to its staffing table in 2011. The officer, an Egyptian judge who has served in two peacekeeping operations, is tasked with overseeing DPKO judicial work in Afghanistan, Darfur, Libya and other peacekeeping and special political mission settings in which an Islamic legal system is applied.

In building its expertise in this important area, CLJAS is now better

operations and provision of technical and operational guidance to field personnel, including training for pre-deployment and induction purposes.

Local ownership and context sensitivity are critical elements of international activities in rule of law. CLJAS is responding to this dynamic in countries which apply Islamic law by establishing a roster for Sharia law experts, who can be available in the future to carry out DPKO work on conflict resolution and institution building.



# Headquarters Support through Training and Guidance



The Department of Peacekeeping Operations (DPKO), through its Criminal Law and Judicial Advisory Service, is building an important body of tools, materials and training programmes to guide and support the work of Judicial Affairs officers in the field and to be of benefit for the entire United Nations system.

In the area of training, DPKO has developed the first United Nations rule of law training course for Judicial Affairs officers. This six-day course has been held twice a year since 2010 in partnership with the German Centre for International Peace Operations (ZIF). ZIF and DPKO have jointly conducted the training programme in partnership with several peacekeeping training centres in Africa: the Kofi Annan International Peacekeeping Training Centre (Accra, July and October 2010), the Regional Centre for Training on Conflict Resolution and Peacekeeping (Cairo, October 2010) and the International Peace Support Training Centre (Nairobi, May 2011 and April 2012).

## Innovative course

Consisting of twenty modules, the course is based upon a 300-page Instructor's Manual, developed with extensive input from mission justice components and United Nations system partners, and through support from the Government of Canada. On 19 April 2011, the course manual received system-wide endorsement from the nine United Nations entities forming the Rule of Law Coordination and Resource Group.



*Opening of Judicial Affairs officers' training in Nairobi, Kenya. UN Photo*

In addition to providing substantive knowledge on the conduct of the work of Judicial Affairs officers, this course is an opportunity for different staff working on rule of law to exchange experiences. The first four courses brought together 94 Judicial Affairs officers, national and international staff from nine peacekeeping and five special political missions as well as participants from other UN rule of law entities (OHCHR, UN WOMEN, UNDP, UNICEF, UNHCR and UNODC). The course held in Accra in October 2011 also included, for the first time, team members of the newly-established Justice and Corrections Standing Capacity. The instructors have included chiefs and senior representatives of justice components from UNAMA, UNMIS, UNOCI, UNMIL and MINUSTAH, and senior representatives from DPKO, OHCHR, OLA, UNDP, UNICEF, UNODC and the Rule of Law Unit in the Executive Office of

the Secretary-General. The training programme also served to provide significant input for the development of the pilot edition of the UN Unified Rule of Law Training.

## Comprehensive handbook

To complement the training course for Judicial Affairs officers, the Criminal Law and Judicial Advisory Service is developing, with the support of Canada, a *Handbook for Judicial Affairs officers in Peacekeeping Operations*. It will serve as the most comprehensive "textbook" developed to date for Judicial Affairs officers working in post-conflict environments. The Handbook does not seek to prescribe the strategic and programmatic decision-making of individual missions operating with differing mandates and under unique circumstances, but it does provide an


*continues next page*

invaluable reference guide for use prior to, and during, deployment in the field.

The Criminal Law and Judicial Advisory Service is also currently enhancing the course by developing, with the support of the Department for International Development (United Kingdom) a simulation exercise in order to give participants an opportunity to practise the skills that they have acquired during the course. The simulation exercise was piloted during the training course in Nairobi in May 2012.

DPKO is also developing special management modules so that the course can be offered to the senior managers of peace operations justice components.

The Criminal Law and Judicial Advisory Service has been developing

other tools, policies and studies to guide the work of justice components of peacekeeping operations. This work has been done with support from Member State donors and with input and engagement of a full range of United Nations departments, agencies, funds and programmes. These materials, including those listed below, mesh with similar guidance documents developed in the police, corrections, security sector reform, and disarmament, demobilization and reintegration areas and thus form part of the broader guidance framework for peacekeeping. However, most of these tools are of utility beyond the peacekeeping context. Official guidance can be found at: <http://www.unrol.org/> 

*Comments from Chijioke ONONIWU, Judicial Affairs officer/Head, Monitoring Unit, Legal and Judicial System Support Division, UNMIL, participant in Accra in October 2011*

“While the entire course was quite relevant to our work, I consider a number of modules particularly beneficial to my work as Judicial Affairs officer/Head of Monitoring Unit in the Legal and Judicial System Support Division in UNMIL. Specifically, the module on diplomatic skills, regarding dealing with national partners, provided a good opportunity to draw on the experiences of participants and resource persons and make use of this in my daily field work. I coordinate the

<b>Guidance materials</b>	<b>Objective</b>
Primer for Justice Components in Multidimensional Peace Operations (December 2006)	Quick reference guide for use prior to, and during, deployment in the field of UN personnel working on judicial and legal systems issues in the context of peace operations.
Guidelines on Methodology for Review of Justice and Corrections Components in UN Peace Operations (December 2009)	Methodology to conduct transparent, effective and credible review of justice and corrections component, based on a consistent and clearly articulated approach.
Policy on Justice Components of United Nations Peace Operations (December 2009)	Defines the objectives, principles, functions and substantive areas of justice components, as well as the partners with whom they must work in order to achieve their objectives. It also provides guidance on basic management issues relating to the work of justice components, including organizational structure, work-plans, personnel, training of Judicial Affairs officers, budget and reporting.
Challenges and Lessons Learned: Arbitrary and Prolonged Pre-Trial Detention in Conflict and Post-Conflict Areas (unofficial) (May 2011)	The study includes the identification of common and pressing needs of national authorities and missions with respect to pre-trial detention; best practices in addressing challenges presented by arbitrary and prolonged pre-trial detention; and possible solutions to address these issues. This study has not been officially published but is regularly shared with interested stakeholders.
Guidelines on the Assessment of Police and Other Law Enforcement, Justice and Corrections Sectors in Post-Conflict Settings (forthcoming)	Practical guide for undertaking in-mission assessments of law enforcement, justice and corrections sectors to inform Reports of the Secretary-General, Security Council resolutions, mission concepts of operation and workplans for mission components. The guidelines will also assist the review and evaluation of the rule of law work being carried out by peace operations and assistance providers.



work of Judicial Affairs officers who meet/support national partners on a daily basis. We monitor the courts and other legal and judicial institutions in Liberia for compliance with due process. Our observations and reports feed into the Division's work supporting the strengthening of rule of law in post-conflict Liberia. Diplomatic skills are required to access key information necessary for informed interventions. Hence, I shared the lessons learned with my team through periodic meetings designed to give direction to team members, including effective approaches to working with national partners. This resulted in enhanced cooperation with and support to national counterparts. ”

**Comments from Mohammad Shafaq Ahmadi, National Rule of Law officer with UNAMA in Bamyan (training participant in Accra in October 2011)**

“ One of my major fields of work as National Rule of Law officer in UNAMA is assistance to the Provincial Justice Coordination Mechanism with the three national justice pillars (courts, prosecution and Ministry of Justice) in Bamyan and Daykundi. The training helped me to find ways to use this forum to define the main role for national counterparts and to increase national ownership so that judges, prosecutors and lawyers are able to self-identify the priorities in the justice sector in their region. In a second forum, the ‘Rule of Law Legal Working Group’, I can make use of the training in working with national partners on capacity development and mobilizing resources. For example, UNAMA, together with NGO partners in the Legal Working Group, conducted a

legal awareness-raising project in remote districts. The training also helped me very much to improve the provincial Rule of Law profiles, which our unit is editing as a regular mapping tool, as it helped me to develop skills to better assess the justice system in the provinces. ”



**Comments from Maria Bere, Judicial Affairs officer (National Professional officer) in the Administration of Justice Support Unit (AJSU) with UNMIT, participant in Accra in July 2010**

“ I attended the first Rule of Law Training for Judicial Affairs officers in Accra, Ghana in an effort to strengthen my knowledge and capacity as a national Judicial Affairs officer with the United Nations Mission in Timor-Leste. The training provided a meaningful opportunity to learn from and exchange experiences between both facilitators and the participants. I have been applying what I have learned on a daily basis in my work. For example, I am actively engaged with national counterparts on the establishment of the Timor-Leste Bar Association. With a stronger understanding of UN principles on rule of law assistance and international law and standards, as well as enhanced interpersonal skills, I feel better prepared to participate as a member of the working group which is developing the draft legislation on the establishment of

the Timor-Leste Bar Association, engage in ongoing discussions on how to raise awareness among lawyers and help ensure a coordinated and comprehensive approach with effective partnerships with national and international counterparts. In addition, my newly acquired knowledge has fortified my work in the implementation of the Law against Domestic Violence through facilitating training to the Timor-Leste National Police's Vulnerable Persons Unit. ”



# Innovative Approach to Bring Justice Expertise to Field Missions



In the last decades, the modality of having experts seconded by Member States to United Nations peace operations has proved to be an excellent tool to bring in expertise for police, military observers and corrections functions in peace operations. This

provide substantive and technical assistance in areas such as prosecutorial reform, military justice, legal aid and access to justice, case management, institutional reform of the judiciary, legislative reform, investigations, forensic medicine, civil and court registries, professional education and training, and juvenile justice. The support provided by these experts

important role in the strengthening of justice institutions as part of United Nations peacekeeping. By January 2012, 33 countries had nominated officers for secondment as “Experts on Mission”, including Belarus, Benin, Burkina Faso, Brazil, the Central African Republic, Cameroon, the Czech Republic, Egypt, Ethiopia, Finland, Guinea-Bissau, Italy, Jordan, Kenya, the Republic of Korea, Kyrgyzstan, Madagascar, Mauritania, Moldova, Namibia, Nepal, Norway, Paraguay, the Philippines, Portugal, Rwanda, Senegal, Sri Lanka, Trinidad and Tobago, Togo, Ukraine, the USA and Zimbabwe. This number highlights the considerable interest of Member States in assisting post-conflict societies in strengthening their justice systems. The programme is proving to be a success.



*Working session between MONUSCO seconded justice expert and a military prosecutor in Goma.* UN Photo

arrangement was finally introduced in relation to justice experts in 2011. As of January 2012, 67 positions for seconded justice officers had been authorized in five missions MINUSTAH, MONUSCO, UNAMID, UNMISS and UNOCI.

Seconded justice experts are specialists in a variety of fields; they

contributes to justice reform, which is recognized as a building block on the way to ensuring security and promoting economic recovery and peace consolidation.

## Member State Participation

Although a new initiative, seconded justice experts are already playing an

## What it Takes

Working as a seconded justice officer in a peace operation is a demanding task. Peace operations mainly seek officers who have a long and varied experience in the justice sector in their home countries. Ideally, seconded justice officers would also have prior international work experience. In addition, it is vital to be physically and mentally fit, and to understand the working and living conditions in mission areas, which can often be

demanding. This includes being able to understand cultural differences and being a good communicator who can engage and support national counterparts. Humility is perhaps the most important quality of all, as this is the key ingredient for gaining the trust and confidence of national counterparts. Language skills are also important: the ideal officer is able to communicate in both English and another relevant language, for example French or Arabic.

Seconded justice officers retain the salary from their employing institution during their assignment with the United Nations. Travel costs to and from the mission and the Mission Subsistence Allowance (MSA) during the assignment are covered by the relevant United Nations mission.

### Civilian Capacity

The provision of experienced justice officials by Member States to a United Nations peace operation is in line with the recommendations of the Senior

Advisory Group on Civilian Capacity in the Aftermath of Conflict to establish a more flexible architecture of civilian capacities that allows a more customized response to the real and immediate needs on the ground (A/65/747-S/2011/85). The Advisory Group recommends that the United Nations acts as a platform to bring in specialist capacities, with the right skills and expertise, often found in government services of Member States.

The mechanism of government-provided “Experts on Mission” is an effective tool to flexibly draw upon the wealth of expertise in the area of justice system reform from countries in the geographical proximity of the host country of a peace operation. Officers from such countries may have experienced professional challenges similar to those in the mission area. They may come from a similar cultural background or be familiar with the culture of the host country. Finally, officers from the region may bring the advantage of speaking a language that

is critical to effectively operate in the mission area but is not spoken widely in other parts of the world. These types of assets can be essential in providing effective assistance in reforming a country’s justice system.

### Building a roster

The Criminal Law and Judicial Advisory Service (CLJAS) in the Department of Peacekeeping Operations takes the lead in administering the seconded justice experts mechanism. CLJAS liaises with Member States, and works directly with peace operations to support them in the screening, recruitment and deployment of experts. CLJAS is in the process of building a roster of seconded justice experts in order to respond effectively to ongoing needs in the field. To this end, nominations for seconded justice “Experts on Mission” are welcome on a rolling basis. For more information on this issue, please contact Hans Sachs at [sachs@un.org](mailto:sachs@un.org) or +1 917 367 2854. ■

## Profile of a Seconded Justice Expert

Mr. Hamza Assoumana Bayere is a magistrate from Niger who has been a trial judge, a state prosecutor and an instructor at Niger’s National School of Administration and the Magistracy. He has over 20 years’ experience working in the field of criminal justice in his country, including in areas with high crime rates. He has supervised investigations and judicial proceedings concerning the repression



of war crimes and crimes against humanity as defined in the Rome Statute. Since August 2011, he has been seconded by the Government of

Niger to be a member of the MONUSCO Prosecution Support Cell in Goma, North Kivu, in eastern Congo. He works there with a team of experts from Ghana, Pakistan, Benin, Canada, the United Kingdom, the United States, and Senegal; together

they provide professional advice and assistance to Congolese Military Justice officials. Mr. Assoumana Bayere has worked closely with Congolese counterparts on planning judicial inquiries, planning the prosecution of serious crimes and directly supported the conduct of investigations and trials of Congolese Military Courts. He also designed a training module on the role of the crime victim in serious cases, and is now working on a module on the use of expert medical evidence in criminal cases.



*The Special Representative of the Secretary-General on Sexual Violence in Conflict Margot Wallström, meeting with Dr. Balde at the Mother and Children centre in Guinea.* UN Photo

## Team of Experts

# Addressing Sexual Violence in Armed Conflicts



Security Council resolution 1888 (2009) called on the Secretary-General to take steps to address sexual violence in armed conflict, including the development of a Team of Experts to deploy to situations of particular concern to assist national authorities to strengthen the rule of law and address impunity. The Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP), as co-leads developed, established and

continue to support the Team, which became fully operational in May 2011. DPKO provides the legal and judicial expert to the Team.

The members of the Team have been hard at work implementing its mandate as set out in Security Council resolution 1888 (2009). The Team's three-year Joint Programme, running from January 2012 until December 2014, was approved by DPKO, OHCHR, and UNDP, and the Team as of January 2012 had successfully mobilized over 2.5 million USD for its activities in 2012 from donors including Finland, Ireland, Luxembourg, Sweden, and

Belgium. It also facilitated the contribution of funds from the USA for work in the Democratic Republic of the Congo (DRC).

In undertaking its global mandate, the Team continues to follow "situations of particular concern" with respect to conflict related sexual violence, and has identified priority countries: Bosnia and Herzegovina, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Liberia, South Sudan and Sudan. The Team seeks to support and complement the work of the United Nations on the ground through

identification of gaps and challenges faced by national authorities and institutions and strengthening their capacity to respond to sexual violence. In 2011, the Team deployed to DRC, Liberia, South Sudan, Guinea, Sierra Leone and Côte d'Ivoire, and contributed to policy guidance to advance the issue of accountability for sexual violence.

In the DRC, strengthening the military justice system's investigative and prosecutorial capacity emerged as a key challenge. In response, the Team, in cooperation with the MONUSCO Rule of Law Section, the UN Joint Human Rights Office and UNDP, developed two initiatives to be carried out in 2012. The first is to provide sexual violence expert Advisers to assist the Congolese military justice system through the Security Council mandated Prosecution Support Cells (PSCs) established by MONUSCO. This initiative helps the PSCs identify and respond to the backlog of sexual violence cases. In a second initiative, the Team is working with relevant UN and national entities to assist the Government in the deployment of 25 newly appointed female civilian magistrates to Parquets de Grande Instance in eastern DRC. With the Team's support and mentoring, these magistrates, who were trained by the UN on responding to sexual violence, will constitute Sexual Violence Cells and take the lead on investigations.

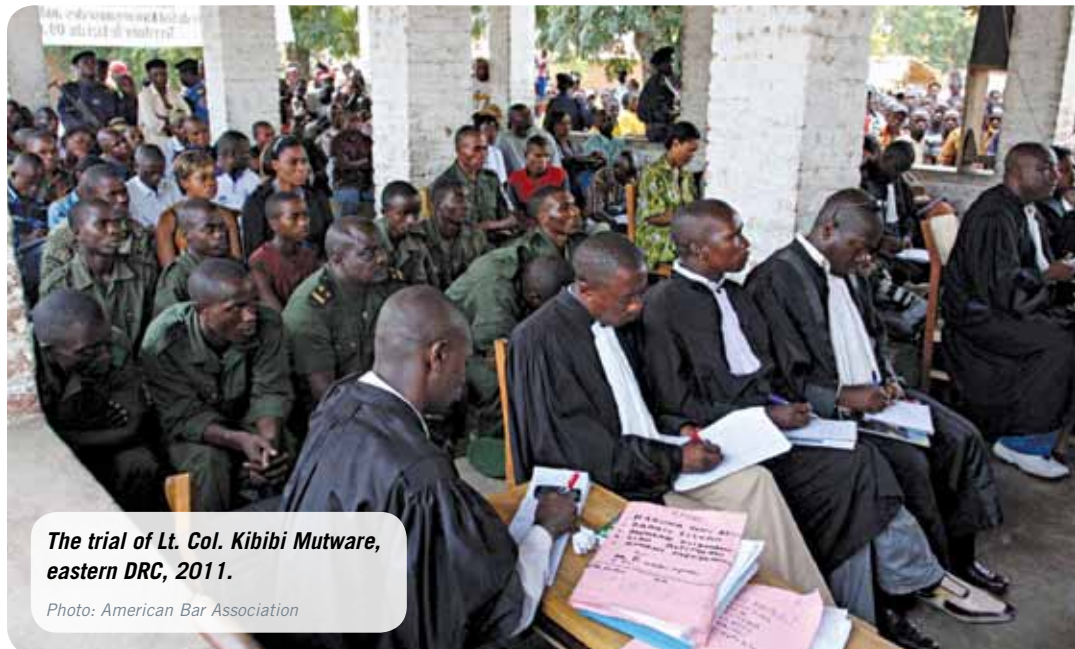
In Liberia, the Team's proposed areas of support have been fully endorsed by the Government and were implemented in early 2012. These include enhancing the legal framework through the development of sentencing guidelines for sexual violence crimes and providing technical expertise in revising the Rape Law and ensuring its complementarities with the Children's Act. The Team has also strengthened the capacity of the justice chain by embedding technical expertise within the Police, the Circuit Courts and the

Sexual and Gender Based Violence Crimes Unit.

In South Sudan, the Team provided the Government with input on the draft Transitional Constitution to ensure it established a strong basis for prevention and response to sexual violence, and built on the Bill of Rights, including on issues such as equality and non-discrimination, accountability, and women's participation.

In Côte d'Ivoire, addressing accountability for sexual violence crimes committed before, during and

In Guinea, the Team focused on approaches to addressing impunity for sexual violence crimes committed in connection with the 28 September 2009 incidents in the stadium in Conakry, during which at least 109 women were victims of sexual violence, according to the findings of the International Commission of Inquiry (Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea (S/2009/693). The Government of Guinea acknowl-



**The trial of Lt. Col. Kibibi Mutware, eastern DRC, 2011.**

*Photo: American Bar Association*

after the recent elections remains among the major challenges in a context where the capacity of the judicial system was seriously weakened by conflict. The Team considers the Commission Nationale d'Enquete, the Cellule Speciale d'Enquetes, as well as the Dialogue, Truth and Reconciliation Commission, to be important steps towards ensuring accountability. The Team will pursue dialogue with the Government and the UN on the ground on possible technical assistance with regard to legislative review and strengthening the national capacity to address conflict related sexual violence and will facilitate experience sharing with neighbouring countries.

edged the challenges in addressing the legacies of impunity and expressed the need for support. In a joint communiqué with the UN, the Government, through the Ministry of Justice, requested the Team's assistance to the Panel of Judges, which was appointed by the Government to lead national investigations into the September 2009 incidents. More than two years on, those responsible for these serious crimes are yet to be prosecuted. Enabling the Panel of Judges to investigate and prosecute crimes will send a very strong message that such crimes cannot be tolerated, and the Team stands ready to support this effort. ■

# Rapidly Deployable Capacity at Work



On 12 July 2011, three days after the proclamation of the Republic of South Sudan as an independent State and the establishment of the United Nations Mission in the Republic of South Sudan (UNMISS), the newly established Justice and Corrections Standing Capacity (JCSC) was deployed for the first time. The Team Leader and a Corrections officer joined the Advance Planning Team of UNMISS, led by the Special Representative of the Secretary-General, Hilde Frafjord Johnson. They were joined in Juba shortly thereafter by two JCSC Judicial Affairs officers. The Advance Team set up the core capabilities of the mission in South Sudan to support the new Government in its efforts to provide security and promote peace consolidation.

## The Establishment of the JCSC

The creation of JCSC was initially proposed in 2008, endorsed by the Secretary-General in 2009 and established by the General Assembly in July 2010. The JCSC became fully staffed and operational in June 2011. It is composed of six officers (the team leader, two Corrections officers, two Judicial Affairs officers and an administrative assistant) and is based at the United Nations Global Service Centre (UNGSC) in Brindisi, Italy.

As of March 2012, the JCSC consisted of four female and two male officers. JCSC officers deploy at short notice on the direction of the Under-Secretary-General for Peacekeeping Operations. Its core functions are to start-up new United Nations justice

and corrections components in field presences and to reinforce existing field operations by providing assistance and support to national authorities in the justice and corrections areas.

The establishment of the JCSC is in line with the recommendations of the Senior Advisory Group on Civilian Capacity in the Aftermath of Conflict. The Advisory Group concluded that the mechanisms to provide civilian capacities to United Nations peace operations

components and performed core tasks of strategizing and planning, developing workplans, budgets and joint work matrices with the United Nations Development Programme (UNDP), working closely with national counterparts and external partners.

Early JCSC engagement meant that UNMISS activities to strengthen the justice and corrections sectors were, from the outset, coordinated with other key United Nations actors, in particular



JCSC officer on mission in Côte d'Ivoire. UN Photo

must evolve towards a system that allows for specialist skills and expertise to be “deployed rapidly, in the early window of opportunity in the immediate aftermath of conflict, if mandates are to be successfully implemented.”

## JCSC in South Sudan

JCSC headed the nascent justice, military justice, and corrections

UNDP, and integrated into the wider Mission concept. JCSC also played a key role in ensuring an integrated and coordinated UNMISS approach to technical advice to the Government of South Sudan on three strategic documents: the 100-day action plan for the newly established Ministry of Justice, the three-year criminal justice strategic plan and the legal aid strategy.



Alongside Standing Police Capacity staff, JCSC helped jumpstart initiatives to assist the Government of South Sudan address arbitrary detention which has been identified as a priority area by the Government, and for which UNMISS has a specific mandate in order to help build confidence in, and lay the foundations for, a functioning criminal justice system. JCSC officers, together with UNMISS Corrections and Judicial Affairs officers, participated in a pilot mapping of arbitrary detention in two of the ten states of South Sudan.

Over the course of six months, JCSC officers redeployed to UNMISS several times upon request to assist with planning and recruitment as well as to initiate programmatic activities. This included the implementation of the United Nations Rule of Law Indicators, an empirically based approach developed by DPKO and OHCHR for measuring the effectiveness, strengths and weaknesses of the law enforcement, judicial and corrections institutions and monitoring and evaluating progress over time. JCSC worked on joint programming between UNMISS and UNDP justice and corrections components and undertook further planning on arbitrary detention issues.

### JCSC in Côte d'Ivoire

Following the 2010 crisis, most prisons in Côte d'Ivoire had been looted and partially or completely destroyed. Upon the request of the United Nations Peacekeeping Mission in Côte d'Ivoire (UNOCI), JCSC undertook two deployments to provide urgent support to the national prisons authority in its efforts to re-open prisons and develop a prison registry management system. JCSC also focused on training national counterparts in the registry system, organizing training for 33 Prison Directors and 44 Prison Registry Officers. The JCSC worked with UNOCI as the Mission assisted

## Mireya Maritza Peña Guzmán, Judicial Affairs officer

Mireya joined the JCSC on 29 June 2011. She is a lawyer holding a doctorate in public law from the Sorbonne, France. In August 2011, Mireya was deployed to UNMISS for a three-month period to assist the start-up efforts of the Rule of Law Section. In November 2011, she redeployed to help coordinate the first visit of the United Nations Rule of Law Indicators Project Team to South Sudan.



“What a wonderful opportunity and enormous privilege it is to be part of a new team, to seize the momentum to advance peace and rule of law in a new country and a new UN peace operation” said Mireya. Prior to her appointment with the JCSC, Mireya worked in Geneva for almost five years at the Office of the United Nations High Commissioner for Human Rights and has previously worked with UNMEE, the former peace

operation in Ethiopia and Eritrea. In her native Colombia, she worked for the Ministry of Justice and Law and served as a professor of constitutional studies, human rights and international humanitarian law.

the national authorities in their review of the legal framework governing corrections against compliance with international standards and also supported the development of new national justice and corrections strategies and effective nationally-led coordination mechanism following the crisis.

### Time at the Duty Station

While in Brindisi, JCSC officers use their time efficiently. Since its establishment, the JCSC has designed and implemented internal operating procedures to ensure rapid deployment to United Nations field operations; provided follow-up support to missions; contributed to Civilian Pre-deployment Training conducted at UNGSC; prepared assessment reports; developed lessons learned and best practices analysis based on their deployment experience, undertaken specific training to further

develop their skill set and prepared for upcoming field assignments.

### The JCSC Going Forward

The JCSC has already proved successful in enhancing the United Nations capacity to meet urgent case-specific demands for assistance to rule of law institutions at the early stages of a peace operation, critical to promote safety, security and stability immediately after a conflict. In its first six months of operations, JCSC officers spent 72% of their work time in the field, 6% in training and 22% in Brindisi. Together with the Standing Police Capacity (SPC), the JCSC ensures a rapid and integrated United Nations response to rule of law challenges in volatile post-conflict environments, covering all parts of the criminal justice chain — policing, justice and corrections. ■

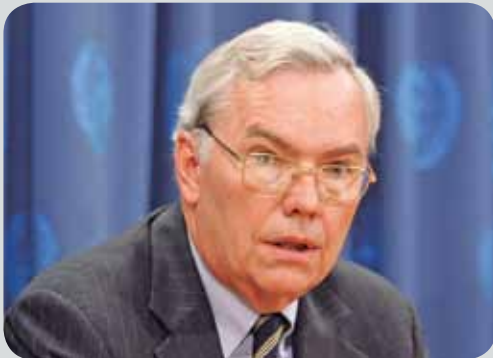
# DPA-led Missions



UN Photo / Albert Gonzalez Farran

# Rule of Law in Special Political Missions

UN Photo



## B. Lynn Pascoe

Under-Secretary-General for  
Political Affairs

As political transitions continue to unfold around the world and countries emerging from conflict work towards consolidating peace, we are reminded that the rule of law is essential to the establishment of stable and secure societies. Our field-based political missions, which are important instruments for preventing and resolving conflict, have been mandated by the Security Council to strengthen national justice systems, support human rights and transitional justice mechanisms, and monitor progress in rule of law institutions.

As illustrated in the pages of this magazine, the Department of Political Affairs (DPA) missions work with national authorities to improve justice systems in host countries. We do this by providing technical advice on the drafting of legislation, as, for example, in the Central African Republic regarding a law on legal aid; by building capacity of national judicial institutions and helping to pave the way for a national action plan on judicial accountability, as in Burundi; or by bringing together partners in the criminal justice chain in Sierra Leone to advance criminal justice reform and improve justice delivery in the country.

The Department of Peacekeeping Operation's (DPKO) expertise has contributed to the fulfilment of the mandates of these political missions. In 2011, staff members from BINUCA, BNUB, UNIOGBIS, UNIPSIL and UNPOS took part in rule of law training for Judicial Affairs officers, delivered by DPKO in Accra and Nairobi. Given that many political missions are small and have limited staff, this type of capacity building and professional exchange can make a big difference on the ground.

*Our field-based political missions ... have been mandated by the Security Council to strengthen national justice systems, support human rights and transitional justice mechanisms, and monitor progress in rule of law institutions.*

Further, DPA missions have benefited from policy guidance materials developed by DPKO, such as the Policy on Justice Components of United Nations Peace Operations. In Libya, DPKO has made an important contribution to mission planning and assessment for UNSMIL, in its role as the focal point for the Coordinated Needs Assessment of Libya on Public Safety, Rule of Law and Transitional Justice.

The collaboration of DPKO and DPA in providing rule of law support to political missions is a good example of the United Nations moving towards a flexible and efficient use of its expertise. Together with our partners across the UN family and in member states, we will continue to build and strengthen institutions that can deliver justice, security, law and order to all. ■

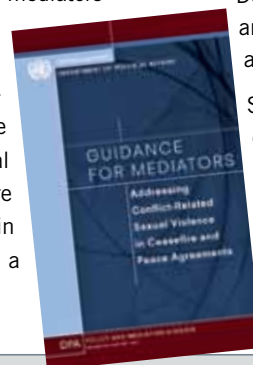
## Sexual Violence in Conflict: Guidance for Mediators

The United Nations is enlisting its peace envoys in stepped-up efforts by the organization to combat the scourge of sexual violence in warfare, unveiling new guidelines to help mediators address the problem in peace agreements and cease-fires.

### Sexual violence to be included in ceasefire and peace agreements

The new guidance by the Department of Political Affairs will be issued to all UN mediators and mission chiefs and incorporated in

training and briefing materials for envoys and their teams. Key principles for mediators include an obligation to engage parties in discussion on this issue and to work towards firm commitments in peace accords to cease all acts of conflict-related sexual violence. The guidelines also require sexual violence to be included in the definition of acts covered by a ceasefire.



Conflict-related sexual violence has been used as a tactic of warfare in many armed conflicts around the globe from Bosnia to the Democratic Republic of the Congo and Sierra Leone — affecting women and men, girls and boys.

Since 2008, the UN Security Council has considered sexual violence a threat to security and an impediment to peace. If left unaddressed, this risks undermining ceasefire agreements and possibly the mediation process itself.

# Strengthening Judicial Capacity



In view of continuing progress in peace consolidation in 2011, the United Nations Integrated Office in Burundi (BINUB) gave way to a new Special Political Mission in Burundi with a lighter footprint: The United Nations Office in Burundi (BNUB). As far as rule of law and transitional justice are concerned, the new mandate as given by Security Council resolution 1959 (2010) focuses on “strengthening the independence, capacities and legal framework of judicial institutions in line with international standards and principles, supporting efforts to fight impunity, particularly through the establishment of transitional justice mechanisms to strengthen national unity, promote justice and reconciliation within Burundi’s society and providing operational support to these bodies”.

## Strengthening Judicial Independence and Accountability

With the transition to BNUB, the Justice Unit redesigned its strategy and workplan to adapt to the new mandate and the new structure of the mission. It changed course to focus on strategic assistance such as giving technical advice to the Ministry of Justice and the judicial institutions while leaving the majority of operational activities to United Nations Development Programme (UNDP). One of the first activities of BNUB was to support the development of the

Ministry of Justice’s strategic plan and ensure that key reforms and activities, particularly the ones related to judicial independence and accountability, were included in the final document. It also provided technical advice on the reduction of pre-trial detention and the development of guidelines for prosecutors on prosecution and recourse to detention.

## Training

As part of its mandate to strengthen the capacities of judicial institutions, BNUB developed a training manual on judicial ethic and disciplinary system for the National Judicial Training Centre established in 2010 and trained

a pool of national trainers on judicial ethics who in turn trained around 90 newly appointed magistrates. This activity was not only aimed at supporting the operationalization of the centre but also enhancing judicial accountability by raising awareness among magistrates of their duties and disciplinary system.

The Justice Unit furthermore supported an impact assessment of a court management training previously organized by BINUB for more than 900 magistrates. While the evaluation report has not yet been finalized, the provisional report already shows numerous improvements in court administration, such as better respect



for internal regulations, legal provisions and improved coordination between the court and the prosecutor's offices. BNUB is continuing to organize training on court management for new magistrates.

### Building Confidence

Finally, the BNUB Justice Unit prepared to engage in confidence building activities with all United Nations, bilateral and multilateral partners and donors so as to ensure a common view on judicial reform. It also developed a joint annual workplan with UNDP for 2012.

In 2012, the Justice Unit will implement key strategic activities aimed at strengthening judicial independence and accountability such as supporting the organization of a national conference on justice which should aim at bringing a national consensus on judicial reforms and the development and implementation of a national action plan on judicial accountability.

### Supporting Transitional Justice Mechanisms

After the official submission of the national consultation report ("Rapport des consultations nationales sur la mise en place des mécanismes de justice de transition au Burundi") in December 2010 to the Head of State and the Executive Representative of the United Nations Secretary-General in Burundi, the Government submitted a timeline to the High Commissioner for Human Rights detailing the planned establishment of a Truth and Reconciliation Commission and a Special Tribunal.

BNUB Human Rights and Justice Section provided significant technical



*National sensitization campaign on transitional justice held in November 2011. UN Photo*

and logistical support to both government and civil society throughout 2011. The recommendations of the national consultation report were taken to the provinces, where both elected community officials and civil society leaders learned about and discussed the outcome of these important consultations of 3,886 Burundians from all sectors of society, ethnic groups and gender. BNUB also provided logistical and technical assistance to a Technical Committee, tasked by the President to prepare the establishment of the Truth and Reconciliation Commission scheduled to be set up in 2012. The Technical Committee handed over its final report to the President and Special Representative of the Secretary-General in autumn 2011.

### Working with Civil Society

BNUB, in close cooperation with national and international NGOs specialized in transitional justice, moreover conducted a sensitization campaign on the right to truth for rural populations and university students. Thanks to this activity, about 24,800 people living in areas affected by

excessive past violence were sensitized, while 868 university students participated in debates organized at several universities. BNUB Transitional Justice Unit also held regional workshops for selected civil society and religious leaders from all provinces who were invited to discuss the establishment of a nation-wide Transitional Justice network. Fifty-one representatives of the almost 200 trained participants met in Bujumbura for a national forum and funded the Forum national des relais communautaires en justice transitionnelle (FONAREC/JT), which will have a particularly important role to play once the Truth and Reconciliation Commission (TRC) is set up and running.

BNUB thus contributed to preparing Burundi's population for its active participation in the work of the upcoming transitional justice mechanisms. Currently, inter-institutional consultations on the shape and form of the TRC are being held, and BNUB is closely following the developments and advocating for transitional mechanisms in line with international standards and the will of Burundi's people as expressed in the national consultations. ■

# Justice Support Based on National Priorities



Marked by war, corruption, and serious human rights violations — including sexual and gender-based violence — the Central African Republic (CAR) has suffered greatly in recent years and continues to experience the repercussions of past conflicts. This has taken a toll on the country's institutions,

via different projects within the Ministry of Justice, amounted to almost double this figure.

It is evident that this alarming under-funding has a serious negative impact on all aspects of the judicial system. The negligible share of the budget allocated to the judicial authorities is the main reason behind the shortage of judges and courts and

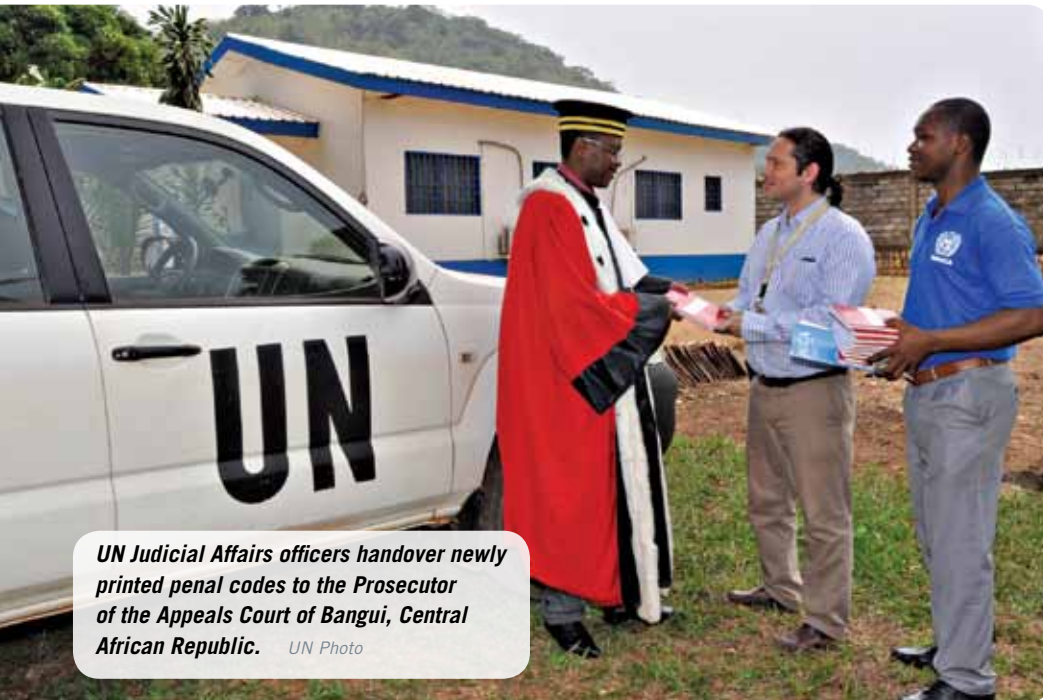
Along with the need for more judges, there is also a strong need both for better basic training and for continuing legal education of judges and other key judicial support staff. Continuing legal education is a particular priority for those judges seated outside the capital, where they have less access to information.

## Oversight

A further challenge to access to justice is the risk of corruption and impunity, which is still very much present at all levels of the judiciary. This is due, in part, to a lack of effective control over magistrates' actions in recent years. No oversight can be exerted on magistrates in the absence of an active "Conseil Supérieur de la Magistrature" and "Inspection Judiciaire"; the former was not functioning for years until its reinstatement in 2011, while the latter has been unable to carry out its supervisory functions for many years due to a lack of human and financial resources. In addition, salaries for judges, frozen since 2004, are low: the average monthly salary of a high court judge is 600,000 francs CFA (approximately US\$1,200) and that of a junior judge is 220,000 CFA francs (approximately US\$430).

## Urgent Needs

The BINUCA Justice Component considers that there are three particularly urgent focus areas: Fighting against impunity and improving the credibility of the justice system; Hiring and training of magistrates and reinforcing control over the judiciary; and Bringing justice closer to the population, in part through the renovation of the system's infrastructure.



*UN Judicial Affairs officers handover newly printed penal codes to the Prosecutor of the Appeals Court of Bangui, Central African Republic. UN Photo*

including within the justice system, which is struggling to meet the needs of the population.

## Lack of Resources

Despite Government efforts to improve its capacity, the CAR judicial system suffers from an overall lack of resources. The percentage of the budget allocated to the justice sector is less than one per cent of the country's annual budget. By way of comparison, international donations in 2011,

consequently a serious impediment to access of justice. As of 1 January 2012, CAR had no more than 200 magistrates for an estimated population of 4.5 million and only 148 lawyers for the country (all of whom are based in Bangui, with the exception of one lawyer located in Berberati). With only 37 courts, of which 24 are tribunals of first instance, for an area of 622,984 km<sup>2</sup>, access to justice is seriously compromised. Indeed many citizens must travel more than 50 kilometres to reach one of the 24 courthouses.

## Assistance Provided

In order to gain ground on these essential points, BINUCA Justice Component has prioritized assisting national authorities through technical cooperation and advice in the area of administration of justice within the framework of the “Programme Décennal de Réforme de la Justice”, a strategic action plan for justice sector reform adopted by the Government. BINUCA has supported national authorities in implementing this action plan by providing technical advice and training, contributing to drafting legislation on legal aid, and publishing more than 3,500 copies of the new Criminal Code and Criminal Procedure Code, in cooperation with the United Nations Development Programme (UNDP).

## Reinforcing Coordination

BINUCA also works to coordinate and facilitate interaction between national and international stakeholders in order to ensure the effectiveness and coherence of the varied activities in the justice sector. The Component does this as part of the Working Group on Rule of Law which aims to coordinate international support and assistance to the Government, enhance the level of information exchange, identify gaps, constraints and challenges, and recommend a more coherent and strategic approach to rule of law programming at the national level. The Working Group’s meetings have allowed the Ministry of Justice and international stakeholders to coordinate their activities, plan joint programming and deal with problems together.

Finally, the BINUCA Justice Component was an active participant in the elaboration of the United Nations Peace Building and Development Assistance Framework (UNDAF+) between the CAR Government and the UN, in order to ensure that justice sector priorities were taken into account in this important initiative. ■

# United Nations Integrated Peacebuilding Office in Guinea-Bissau **UNIOGBIS**

## Justice Sector Cooperation



In line with its mandate pursuant to Security Council resolution 1876 (2009), the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) continues to support national authorities to establish an effective and efficient criminal justice system.

As part of this effort, UNIOGBIS has identified the need for enhancing institutional links and cooperation between prosecution, investigators and magisterial courts and for improving collaboration, communication and information sharing amongst senior and middle level police managers, prosecutors, magistrates and other relevant partners. The Mission has been pursuing an elaborate programme to bring together representatives of various components of the justice system, as well as civil society, to jointly identify and analyze challenges and respective solutions. UNIOGBIS was able to bring these stakeholders together through two important workshops.

### National Forum on Criminal Justice

From 15 to 17 November 2011, the Government of the Republic of Guinea-Bissau through the Ministry of Justice, supported by UNIOGBIS and the Bureau for International Narcotic and

Law Enforcement Affairs of the US State Department, launched a national forum on criminal justice in the country. Providing a space for exchange of knowledge and experiences, the forum brought together judges, lawyers, law clerks, police, Government representatives and academics to discuss current needs for the review of Bissau-Guinean criminal law, national strategies for prevention and combat of crime, as well as matters related to justice and the media. The first session of the forum placed special emphasis on assistance to specified vulnerable groups, namely women, youth and children, by suggesting the introduc-



First forum on criminal justice in Guinea-Bissau.

UN Photo

tion of specific perspectives into the Penal Code reform process to support inter alia victims of sexual and gender-based violence, juvenile justice and delinquency, restorative justice and alternatives to imprisonment.

The forum also discussed issues related to internal security and public order, administration of criminal justice more broadly, as well as

*continues on next page*

# New Coordination Strategies



Since March 2011, UNIPSIL has supported the justice sector coordination forum, which is a mechanism organized by the Human Rights Commission of Sierra Leone (HRC SL) and the UNIPSIL Human Rights Section to discuss how to monitor findings in the area of administration of justice throughout the country. The forum, which is steered by the HRC SL, creates a platform for justice sector stakeholders to examine the performance of justice sector institutions in the districts, discuss human rights flaws arising out of systemic and structural failings and map out strategies to improve justice delivery. UNIPSIL is funding the logistical requirements

for the forum meetings, and providing technical advice.

The forum, a collective initiative of numerous stakeholders in the administration of justice chain, was a response to recurrent findings of monitoring of justice sector institutions, which indicated lapses and coordination flaws among the various actors within the chain. These lapses, common in countries emerging from conflict, result from structural weaknesses, including capacity deficiencies, in the justice sector. Promoting frequent exchange of information and enhanced coordination among key actors through the justice sector coordination forum is contributing to addressing some of the most pressing issues without requiring many new resources.

## Support to Regional Justice Forums

A total of eight justice sector coordination forums were held in 2011, four in the Eastern region (Kenema-2, Kono, Kailahun), two in the Southern region (Bonthe, Pujehun) and one each in the Western Area (Waterloo) and the Northern region (Makeni). The experience revealed a common thread on issues needing urgent attention within the justice sector. These issues, which were discussed extensively during the forums, included: inadequate number of magistrates to adjudicate cases leading to delays in the administration of justice, which contributes to prolonged detention and overcrowding of detention facilities. The shortage of magistrates has also led

## UNIOGBIS: Justice Sector Cooperation

*continued from page 53*

organizational development and overall peacebuilding.

The forum allowed for interaction among participants and the active participation of representatives of all institutions involved in justice and public security, including state institutions, civil society and traditional leaders. The result was to help strengthen relationships among these stakeholders and produced a number of recommendations which are under review by the Government. The United Nations partners in Guinea-Bissau, notably UNIOGBIS, UNDP, UNICEF and UNODC, intend to maintain their engagement with national partners,

thus supporting the cooperation of criminal justice actors in overcoming the challenges identified.

## Addressing Child Protection Issues

UNIOGBIS has been working together with UNICEF to link the mainstreaming of child protection issues with justice reforms in the country, taking into account both regular and traditional justice mechanisms. Child protection issues require an optimal degree of coordination and collaboration with many sectors, including education, health, security, community based-organizations, and close collaboration with justice institutions. Such a coordinated response is expected to yield desired results in the areas of abandonment of harmful practices, birth registration, juvenile justice, fight against

children's abuse, exploitation, trafficking and violence against children.

In that context, UNIOGBIS and UNICEF held a two-day workshop in September 2011 with the goal to create synergies among actors in the justice system and child protection stakeholders, for the establishment of durable institutional links. The Guidance Note of the Secretary-General on the United Nations Approach to Juvenile Justice of September 2008 was the cornerstone of the overall process. The specific objectives of this workshop were: to help mainstream juvenile justice/justice for children requirements in the ongoing reform of the justice sector in Guinea-Bissau; to help develop strategies to enforce newly adopted child protection legislation against female genital mutilation (FGM) and trafficking of human beings; to help identify



to justices of the peace adjudicating serious cases which fall within the jurisdictions of magistrates, including rape cases. There are challenges in the provision of legal aid, poor documentation in prisons, difficulties in accessing medical reports for victims of sexual and gender based violence (SGBV), logistical and capacity challenges hampering effective and professional investigation of cases by the Sierra Leone Police.

Since their inception, the justice sector coordination forums have scored successes in every district where they have been organized. Positive changes include the provision of transportation for suspects to and from court, and addressing some of the most pressing needs in detention centres, including renovations of cells and toilets and provision of mattresses and buckets for drinking water.

### Positive Momentum

Throughout the country, court cases that had previously been blocked

consensual solutions to establish formal cooperation among actors of the justice system and child protection stakeholders, both within the Governmental and non-governmental structures; to better address issues relating to birth registration and to provide care and support to children victims of violence, exploitation and abuse.

Representatives of UNIOGBIS Security Sector Reform team, together with UNICEF, moderated and facilitated the discussions of representatives from the middle and upper managerial echelons of the Public Prosecutor's Office, the Public Order Police, the Judicial Police, the magistracy, the Ministry of the Women, Family, Social Cohesion and Poverty Reduction, the Ministry of Interior (Border Guard Police), the Institute of Women and Children, the Bissau-Guinean Human Rights League

*Justice sector forum in Waterloo, Sierra Leone.*

UN Photo



received urgent attention. In one district, weekend sittings were organized to process the case backlog; in another district, the forum was used as a platform to successfully advocate the resident magistrate, who is based in the regional headquarters, to hold sessions in the district. As a direct

and civil society representatives were all brought together in order to cultivate mutual understanding and professional relationships.

The event provided a unique opportunity for officials to address jointly identified problems and openly discuss mutual concerns. Not only did it help to improve the relationships among institutional representatives but also between representatives from institutions and civil society. With respect to the issue of FGM, the event resulted in the development of a strategy for the enforcement of the child protection legislation against female genital mutilation and trafficking of human beings. A strategy was also elaborated for the dissemination of the law, in cooperation with other partners, including UNICEF. ■

result of these engagements, 144 cases in various magistrate courts were presided over, and many of these were concluded. Prisoners in remand had their status reviewed, missing files of prisoners were replaced, and some juveniles who had been detained together with adults for more than eight months were identified and released.

Cases previously heard by traditional leaders and local courts outside their jurisdiction have been submitted to the police for investigation and handled by magistrate courts. Some Justices of the Peace had their terms reviewed in accordance with the judicial system. Arbitrary arrest and detention has also ceased in some districts, while police officers received training on investigations, charges and prosecution to build capacity.

The forums also contributed to finding solutions to reduce the delay in bringing SGBV cases to court due to late endorsement of medical forms, and enhanced the provision of legal aid to SGBV victims in courts. As a result of this initiative, 30 SGBV cases which were pending before the High Court for two to three years were finally heard. ■

## Justice. Build it. Keep it.



### Robert Pulver

Chief of Criminal Law and  
Judicial Advisory Service

Most post-conflict countries suffer from a collapse of law and order, a security vacuum and a legacy of human rights violations. In this environment, organized crime can take root, thwarting the chances for lasting peace, stability and prosperity. Assisting national authorities to build the capacity and integrity of rule of law institutions is an essential element of peacekeeping. Visible improvements in safety and security are keys to ensuring stability, protecting civilians, enhancing the population's confidence in the government, and extending the authority of the State.



UN Photo

In recognition of the importance of the rule of law to peace and security in post-conflict settings, the Security Council has tasked virtually all new peacekeeping operations established

*Rule of law work in the peacekeeping context cannot be successfully addressed by just one entity. Fundamental to the DPKO approach is to draw upon all available partners to support the rule of law objectives in each country.*

since 2000 to assist host-country authorities to strengthen the rule of law — often with specific mandates to strengthen legal and judicial institutions. In his message in this magazine, the Secretary-General stresses the significance of this aspect of peacekeeping and peacebuilding, noting that “[n]othing is more critical than establishing the rule of law in societies traumatized by years of fighting.”

The bulk of United Nations rule of law efforts are undertaken in post-conflict settings — often where a peace operation is deployed. In 2006, with the agreement of all United Nations partners, the Secretary-General entrusted the Department of Peacekeeping Operations (DPKO) with the lead role in providing headquarters support for strengthening legal and judicial institutions where DPKO-led operations are deployed (in the areas of prosecution; legal assistance, representation and defence; ministries of justice; and criminal law).

As has already been shown in the pages of this magazine, with the

support of its partners in the United Nations system and beyond, DPKO has developed a significant capacity at headquarters and in the field to fulfil its lead role. The Criminal Law and Judicial Advisory Service of the Office of Rule of Law and Security Institutions (CLJAS/OROLSI) has taken strides to increase its support to the field. This includes the establishment of the Justice and Corrections Standing Capacity (JCSC), the utilization of justice experts seconded from Member States, the deployment of Prosecution Support Cells, the implementation of the Rule of Law Indicators, the regular delivery of the Rule of Law Training for Judicial Affairs officers, and the development of a growing body of guidance materials.

Rule of law work in the peacekeeping context cannot be successfully addressed by just one entity. Fundamental to the DPKO approach is to draw upon all available partners to support the rule of law objectives in each country. To this end, CLJAS/OROLSI has also strengthened its formal and informal support networks to enhance coordination and collaboration in the justice area.

DPKO has several unique strengths that serve as enabling factors for this work. The Department has access to assessed budget resources, is able to quickly deploy staff seconded from Member States, and has large and growing rosters of pre-cleared justice experts. In the field, peacekeeping missions are equipped with significant public information and outreach capacities. They also offer massive logistical support and security arrangements,

including for rule of law institutions. Integrated operations are designed to bring together the United Nations system to deliver as one on all elements within a peacekeeping mandate. Rule of law work in the post-conflict setting is almost always intensely political. Through the good offices of the Special Representative of the Secretary-General and through political discussion in New York (including in the Security Council and General Assembly), DPKO is best positioned to encourage reluctant reformers and potential spoilers to advance the rule of law reform agenda in the peacekeeping setting.

There are a number of significant challenges for the provision of legal and judicial system support in the context of Security Council mandated operations. As recognized by the World Bank in their *2011 World Development Report: Conflict, Security and Development*, the justice area remains systematically under-resourced. In addition, in many if not most contexts, some host-country counterparts perceive no incentive to support the strengthening of the rule of law — organized crime, corruption and inertia can leave many national counterparts feeling that the status quo is the safest course.

We can address these challenges by developing inclusive sector-wide programmes at the country level; a greater focus on the rule of law in both assessed and donor funding streams; increased political attention to rule of law matters in the field, in New York and capitals; and the provision of more authority to current lead entities to coordinate efforts at Headquarters and in the field — including through the deployment of joint work units and the development of joint programmes in the field. In this way, DPKO will be well positioned to continue to bring an integrated “One UN approach” to all aspects of peacekeeping, including in the justice sector, at the Headquarters and field levels. ■

Learn more:  
DPKO i-Directory

- ▶ Department of Peacekeeping Operations  
<http://www.un.org/en/peacekeeping/>
- ▶ Police Division  
<http://www.un.org/en/peacekeeping/sites/police/>
- ▶ Mine Action Service  
<http://www.mineaction.org/>
- ▶ Disarmament, Demobilization and Reintegration Section  
<http://www.unddr.org/>
- ▶ Facebook: [www.facebook.com/unpeacekeeping](http://www.facebook.com/unpeacekeeping)
- ▶ Twitter: [www.twitter.com/unpeacekeeping](http://www.twitter.com/unpeacekeeping)
- ▶ Flickr: [www.flickr.com/unpeacekeeping](http://www.flickr.com/unpeacekeeping)
- ▶ You Tube: [www.youtube.com/unitednations](http://www.youtube.com/unitednations)

## 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 juvenile 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/](http://www.un.org/en/employment/).

# JUSTICE

*Review*

## 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.

