



JUSTICE RAPID RESPONSE

2008

FREQUENTLY ASKED QUESTIONS

1. WHAT IS THE JUSTICE RAPID RESPONSE?

The Justice Rapid Response (JRR) is an international cooperative mechanism for the supply of expertise and assistance in response to a request by a State or international institution, where the identification, collection and preservation of information would assist a wide range of international and transitional justice options. As a mechanism that does not need to be created anew each time there is a justice emergency, the JRR will: significantly reduce response times for the provision of assistance that is both impartial and meets international standards; share the burden of assistance through coordination of the resources of States, international organisations and civil society; and, as a global effort, provide capacity-building by involving all States in the mechanism, irrespective of resources. The specific functions most likely to be carried out by the JRR mechanism include: pattern of violence investigation; forensic mapping; documentary evidence investigation; visual image collection; identification of potential witnesses; and identification of massacre sites.

2. WHY IS THE JRR MECHANISM NEEDED?

In the aftermath of conflicts where serious crimes under international law may have been committed, there is often a short security and political window of opportunity to identify, collect and preserve information that would be essential to determine and support the most appropriate accountability processes for that situation. Societies coming out of conflict are frequently not equipped, and the international community is not currently well-organised, to take advantage of such windows of opportunity. Yet the sooner information is collected after the events, the less likely it is that crucial evidence will be lost and the more likely that it can help decision-makers decide what is the most appropriate accountability mechanism(s) for that situation. The activities that will be of highest value to any accountability mechanism include the early location, gathering and preservation of physical, documentary (and, if appropriate, testimonial) information of potential evidentiary value. The early commencement of steps towards an accountability mechanism could also serve to restore the population's confidence in the rule of law. The JRR enables the coordination of this work quickly and cost-effectively.

3. WHO IS INVOLVED IN THE JRR MECHANISM?

In 2003, a group of countries including Finland, Germany, Lichtenstein, Sweden, Switzerland and the United Kingdom commissioned a comprehensive feasibility study to take JRR from theory to practical application. Eight meetings involving representatives of governments, civil society and international justice institutions to define and launch the JRR concept have taken place from April 2004 to November 2008, with five being held in New York, two in The Hague and one in Venice. To date, support for the JRR has grown considerably, with participation in consultative meetings on the JRR by several non-State actors and by the following countries, many of which have experience in conflict or post-conflict accountability efforts: Afghanistan, Austria, Belgium, Canada, Colombia, Cote d'Ivoire, Democratic Republic of Congo, Denmark, Egypt, Estonia, Fiji, Finland, Germany, Hungary, Iraq, Italy, Jamaica, Kenya, Latvia, Liberia, Liechtenstein, the Netherlands, Norway, Sierra Leone, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, the United Kingdom and the United States of America. Several States, non-governmental organisations, inter-governmental organisations and United Nations agencies are also actively involved in the JRR Policy Group, the decision-making body, and the smaller JRR Coordinating Group, which oversees the work of the Secretariat and brings recommendations to the Policy Group. No Peace Without Justice is presently acting as the Interim JRR Secretariat, a role it has fulfilled since 2006.

4. WHERE DOES THE JRR MECHANISM CURRENTLY STAND?

The New York November 2007 meeting adopted the Guidelines for Cooperation and Deployment, thereby formally establishing the JRR mechanism. The Guidelines adopted foresee two main bodies for the JRR mechanism: the JRR Policy Group and the JRR Coordinating Group, both of which were also established in November 2007. The JRR Coordinating Group met under the Canadian Chair in

April and September 2008 and its recommendations, including in relation to the JRR training syllabus and a Pilot JRR Training Course, were adopted by the JRR Policy Group on 17 November 2008.

5. WHAT CAN TRIGGER A JRR MISSION?

While JRR capability is deployable in a variety of situations, it can only be initiated upon a specific request by the State where the mission would be deployed, or an international organisation (including an international justice institution) with jurisdiction in a particular situation.

6. HOW ARE REQUESTS FOR JRR ASSISTANCE MADE?

When a request for assistance is made, there will be a quick, thorough, impartial and consistent assessment to enable JRR participants to decide on the most appropriate response. The basic issues to be assessed are: legitimacy; genuineness; feasibility; and usefulness. More specifically: does the requesting authority have the necessary legal basis to issue the request; is the request's main purpose the furtherance of accountability mechanisms in aid of lasting peace and security; is this a feasible mission, i.e. are the assurances, especially concerning the security situation, realistic and is the requesting party representing an accurate picture of the situation and its own capabilities to contribute; and is JRR assistance what the situation calls for, i.e. would the deployment of a JRR team make a sufficiently significant difference to the situation? As part of this assessment, a team of experts will undertake a technical evaluation and, where that evaluation is positive, will develop a draft plan of action that would help facilitate the speed of deployment. The plan of action will include the following elements: expertise required; number of experts required; security and logistics needs of the deployment; timetable for deployment; estimate of time needed for the mission; and contingency arrangements.

7. HOW WILL THE JRR BE FINANCED?

JRR is a practical expert service and if the requesting entity can afford to do so, it would pay the costs of the requested mission. However, it is anticipated that in many cases, States emerging from conflict would frequently be unable to meet these costs. Therefore, in addition to recurring costs (e.g. training), JRR participants and others would finance the cost of deployments. The financing of JRR is as flexible and versatile as possible, to allow for the widest possible participation and the most efficient distribution of the burden, with a view to ensuring that participation in JRR will depend on interest and expertise, and not on the availability of resources. This ranges from participants who can provide expertise but cannot pay for training or deployment, to participants who can only offer financial contributions to a mission, to participants who can pay for the training and deployment of their own and other countries' experts.

8. WILL THE JRR MECHANISM COMPETE WITH INTERNATIONAL JUSTICE INSTITUTIONS?

The JRR is not an international justice institution and does not have any judicial function. The role of the JRR is limited to that of a cooperative mechanism to provide technical expertise for the preservation of evidence and other information and to ensure that such expertise is maintained from mission to mission and is deployable quickly and efficiently, without having to be recreated anew each time there is a need. In this way, it can significantly reduce response times in providing assistance that is both impartial and which meets international standards. It is complementary to international justice institutions, which can also request its deployment when they have jurisdiction over a situation.

9. WHAT ARE THE NEXT STEPS FOR THE JRR MECHANISM?

During the November 2008 meeting, the JRR Policy Group approved ongoing work by the JRR Coordinating Group in 2009 on a range of issues, including the development of more detailed operational guidelines, terms of reference for a Permanent Secretariat, an outreach strategy to raise awareness of the JRR mechanism to potential end-users and other supporters and common criteria for rosters. The next steps for the JRR mechanism are: (1) A JRR Coordinating Group meeting in Ottawa in February 2009, to develop the procedural steps for deployment, including the trigger mechanism, and to select the participants in the Pilot JRR Training Course; and (2) the Pilot JRR Training Course, scheduled for 9 to 15 May 2009 in Berlin, to be conducted by the German Center for International Peace Operations (ZIF) in close cooperation with the JRR Coordinating Group and the EU Group on Training, within the framework of the European Community Project on Training for Civilian Aspects of Crisis Management. A call for nominations for experts to participate in that training session has been launched and is available on www.justicerapidresponse.org.