



JUSTICE RAPID RESPONSE

OTTAWA 2009

JUSTICE RAPID RESPONSE COORDINATING GROUP MEETING

23-24 February 2009

**HELD AT THE WAKEFIELD MILL INN
WAKEFIELD, QUEBEC
CANADA**

– MEETING REPORT –

The Interim JRR Secretariat is run by
No Peace Without Justice



The Interim JRR Secretariat is run with the financial assistance of



European Union

Canada

SUMMARY OF THE OUTCOMES OF THE JRR COORDINATING GROUP MEETING

The outcomes of the JRR Coordinating Group, held at the Wakefield Mill Inn on 23-24 February 2009 with the financial support of Canada and the European Union and involving the attendance of 26 participants from every region of the world,¹ were as follows:

1. The participants for the upcoming JRR Pilot Training Course in Berlin in May 2009 were chosen. Primary and alternate participants were selected and guidelines were developed for the choice of alternates by the Secretariat in the event that primary participants are unable to attend. The Secretariat will follow up with all participants on the results, to confirm their availability and with their nominating States regarding funding.
2. The Coordinating Group approved the three scenarios, proposed by the Secretariat and the Chair, as to how JRR may be deployed and what will be involved.
3. Participants showed great interest in participating as institutional observers at the first JRR training course. The Secretariat agreed to send out guidelines to all members on the purpose and role of observers at the course. It was also agreed that the Secretariat and the Chair would liaise with the convener of the training course, the Center for International Peace Operations (Zentrum für Internationale Friedenseinsätze, ZIF), to decide which and how many institutional observers should be present.
4. The JRR Coordinating Group agreed that the draft Memorandum of Understanding among JRR participants proposed in the Feasibility Study of 2005 could be subsumed into a set of "Principles" to reflect better their non-binding nature. The Secretariat and the Chair will present a revised version of the Guidelines for Partnership and Guidelines for Deployment at the next JRR meeting. The Chair encouraged all States to provide input on the Guidelines to the Secretariat.
5. It was agreed that an informal briefing for the legal advisors of Missions to the United Nations in New York will be held in March 2009.
6. It was also agreed that JRR should consider its presence at the ICC Review Conference to be held in Uganda in 2010, for example through holding a Policy Group meeting or an informational meeting.
7. It was agreed that a JRR Policy Group meeting should be held at the end of May or in the first week of June to report back to the Policy Group on the first JRR training course and to seek support for a second training course in the fall of 2009. A meeting of the ICC Assembly of States Parties in New York in the first week of June might provide an opportunity for the Policy Group meeting; if not, it could be held in September. The Secretariat agreed to compile feedback from the Pilot Training Course quickly so that it can be discussed at the Policy Group meeting.
8. The Secretariat will also develop a short paper on the structure and practical management of JRR, including options for how the functions of the Secretariat could be carried out, based on discussions held at the meeting.

¹ See Annexes 1 and 2 for the meeting agenda and list of participants respectively.

REPORT FROM THE JRR COORDINATING GROUP MEETING

Introduction

The JRR Coordinating Group meeting was hosted by the Government of Canada, the current Chair of the JRR Coordinating Group, at the Wakefield Mill Inn in Wakefield, Quebec. The meeting was held in order for the Coordinating Group to make some decisions necessary to move the JRR mechanism forward towards operational capacity and to move forward discussions of other issues as mandated by the JRR Policy Group. It also aimed to broaden participation in the JRR process by attracting new participants. To these ends, the meeting focused on the following areas:

1. Overview of recent developments and general discussion of JRR to ensure that all attendees, representing both existing and potential JRR participants, fully understood the initiative.
2. Discussion of the JRR Pilot Training Course to be held in Berlin in May 2009 and selection of primary and alternate course participants.
3. Discussion of guidelines for JRR Mission deployment and presentation of a flowchart depicting deployment modalities.
4. Discussion of the organisation and funding of the JRR Secretariat.

1. JRR Overview and Current State of Play

The JRR process began in 2003, the year following the entry into force of the Rome Statute of the International Criminal Court. It was initiated by a number of States which observed that while the Rome Statute had advanced international criminal justice, the principle of complementarity also placed a great burden on States to address crimes under international law in domestic fora. Those States initiated JRR as a means to provide practical assistance to States struggling to respond to mass atrocity crimes.

The Interim JRR Secretariat (NPWJ) provided a report on JRR-related developments since its establishment in November 2007. The JRR mechanism consists of both State and non-State participants, organised as a Policy Group, which includes all participants and provides overall policy direction for JRR. It also has a smaller Coordinating Group of State and non-State participants that oversees the JRR's development and the work of the Secretariat. In 2008, the JRR Coordinating Group held two meetings to discuss outreach initiatives, terms of reference for the JRR Coordinating Group and for a permanent Secretariat, to hear lessons learnt in rapid deployment experiences and to develop JRR training. All of the recommendations adopted by the JRR Coordinating Group at those meetings were subsequently adopted by the JRR Policy Group at its last meeting in November 2008. The JRR mechanism is now moving into its operational phase and the February 2009 JRR Coordinating Group meeting took some significant steps in that direction.

Most States recovering from outbreaks of mass violence are either unable or unwilling to launch a rapid investigation into what happened and who was responsible. JRR creates a rapid response, stand-by capability that does not now exist. It enhances the international community's ability to provide assistance in such situations by providing teams of trained experts to deploy at short notice to collect and preserve the most perishable information for use in future accountability processes. The team will also be in a position to make recommendations as to what justice remedies would be most appropriate in the situation under investigation. In addition, because JRR expert teams will include members from many different States, their deployment will signal the kind of international support and interest that is needed to bring about speedy and effective post-conflict justice.

Participants in JRR missions will be drawn from a JRR roster of experts on criminal justice and related topics, including criminal investigations, forensics, military law, field security and logistics. Members of the roster will be nominated by JRR participants. Experts will receive standard training from JRR before being added to the roster and must agree to be on stand-by to be deployed on mission at short notice, for some months if necessary.

2. Operationalising the Justice Rapid Response: Mission deployment

JRR will only deploy on the request of a State or of an international organisation that has the mandate to work in the State where the investigation will take place. All JRR participants will be able to decide individually whether to respond to a request.

Requests from international organisations will likely be simpler to respond to than requests from States, primarily because international organisations such as the United Nations (UN) or the International Criminal Court (ICC) already have structures and relationships in the State in question. JRR could therefore be assured that the international organisation would take responsibility for the JRR team's logistics and safety. Also, since an international organisation works in a country on behalf of the international community, JRR could be confident of the legitimacy and appropriateness of the request, hence eliminating the need to assess those aspects of the request. In these instances, the primary purpose of the JRR deployment would be to provide technical assistance, in whole or in part, by reinforcing an international organisation's investigative capacity.

JRR will entertain State requests in cases where the State is willing but not able to undertake the investigation itself. However, information about crimes under international law committed on the territory of a State is often highly charged. JRR participants would therefore need to evaluate a State request according to several strict criteria:

1. The State body submitting the request must be an appropriate body to do so under international law and must have the full support of the State to do so;
2. The request must be for a legitimate purpose, such as to enhance peacebuilding through justice and reconciliation;
3. An investigation must be practically feasible, for example, from a safety point of view; and
4. JRR must be deemed to be the appropriate mechanism to address the State's situation, i.e. JRR is not a substitute for long-term capacity-building in the rule of law.

All JRR deployments would take precautionary measures, such as bar-coding, to protect sources and information, and would take steps to ensure that their findings and recommendations are used only for the purposes intended. Depending on the situation under investigation, these could include providing the information to an independent, credible accountability mechanism rather than to the requesting entity.

The Secretariat and the Chair proposed a set of preconditions that would need to be in place before a JRR mission could deploy:

1. A roster of available experts must be assembled and experts must be trained;
2. Practical arrangements between the Chair and the Secretariat must be in place to handle the practicalities of a JRR deployment;
3. Some guiding principles should be agreed upon by all JRR participants; and

4. For the future, a stand-by agreement may be considered between JRR and frequent end-users to eliminate the need to negotiate a new agreement each time, (such as parts of the UN system – DPKO, OHCHR– and the ICC).

Based on the mission deployment guidelines adopted at previous JRR meetings, the Secretariat and the Chair developed the three most likely scenarios in which a JRR deployment could take place and provided flow charts showing how the deployment would unfold in each scenario (see Annex 4).

The three scenarios are as follows:

1. An international organisation requests a small number of JRR experts to fill a gap in its own capacity for a short period of time;
2. An international organisation requests a full JRR team; and
3. A State requests a full JRR team.

The scenarios were ordered from the most straightforward to the most complex. A fourth likely scenario was suggested whereby a request would be made jointly by a State and an international organisation, which will require development in the future. It was agreed that every effort should be made to handle such a request in the most efficient manner possible, in other words, as a request from an international organization.

After discussion, the Coordinating Group approved all three flowcharts with minor modifications. The Secretariat and Chair provided further clarification on the following topics:

- JRR is not intended to have any significant recurring costs for participating States, and as States have varying response times for releasing funds, deployments would have to rely on those participants that can release funding quickly. However, in order not to burden only those participants that can release funds efficiently, further thought needs to be given to alternatives, such as whether a standing fund could be developed to avoid these potential issues.
- The timeline for deployment should be as rapid as possible. Under scenario 1, deployment could take place within as little as 72 hours (unless the requesting organisation requires funding, which may take longer to arrange). Scenario 2 could take from a couple to several weeks because it involves building a team and securing funding for the mission. Scenario 3 could take from weeks to a couple of months because it involves all of the considerations of scenario 2, as well as having the requesting state agree to a Status of Mission Agreement. A lot of time can be saved by having much of this work done during the pre-request discussions, since the time period between a request being made and deployment occurring should be as short as possible.
- Once a request for JRR assistance has been approved, JRR participants must decide individually if they wish to make their experts available for the mission. They are encouraged but not obliged to fund their own experts and are also encouraged to offer funding for other experts.
- The size and composition of JRR teams will depend on the situation under investigation. Each team should have no more than 10 members, and some situations may call for more than one team.
- The requesting organisation or State will be given an opportunity to review the experts and the composition of the team before deployment.

- Under scenarios 1 and 2, experts would be deployed with the status of “Expert on Mission”, meaning that the requesting organisation would take on the full duty of care for the safety of experts deployed within its existing operations.
- In scenarios 2 and 3, a lead State (whether hosting the secretariat or not) is necessary to provide political support and to coordinate the deployment itself. States wishing to play this role should put themselves forward at the time of the request if they have a particular interest in the situation at hand. If no lead State comes forward, it will be difficult for the JRR mission to proceed. Depending on the complexity of the situation, the role of lead State may end with the deployment of the mission.
- In scenarios 2 and 3, each team will have a team leader, probably chosen by the lead State. Feedback on the leadership potential of individual experts will be gathered at JRR training courses. One of the responsibilities of team leaders is to report back to JRR on the effectiveness of the team.
- Any information collected by the team goes to the requesting organisation, or, under scenario 3, to a justice and reconciliation entity deemed appropriate by the JRR participants with the agreement of the requesting State.
- Scenario 3 is not likely to arise at the outset.

Questions to be resolved:

- If an expert deploys under scenario 1, is an agreement necessary between the sponsoring State and the requesting organisation? Should the agreement be between the individual and the requesting organisation?
- In what format should the information gathered by JRR missions be presented? Should a copy be saved somewhere after the information is handed over to the requesting body? If so, where?

Practical Considerations for the Deployment of JRR Teams

- All team members must be made fully aware of what to expect on the ground, including the security restrictions they are likely to face.
- Pre-deployment training must include emphasis on team-building.
- All team members must be informed of what to do in case of emergency, including an emergency at home.
- Provisions must be made for team members to have adequate contact with their families.
- Teams must establish a uniform system for recording and reporting information.
- JRR must clarify team members’ obligations with regard to the management of information. Who owns the information gathered on a JRR mission? Is a JRR expert obliged to report back to their government about the information they learned on mission? How will JRR ensure that information is not leaked? If the expert is later called as a witness in a legal proceeding, what information can they share?
- Teams must be provided with post-deployment assistance to properly reintegrate with their lives and families.

3. Selection of Participants for the JRR Pilot Training Course

The JRR Pilot Training Course, made possible by the support of the European Commission, will take place at the training campus of the Center for International Peace Operations (Zentrum für Internationale Friedenseinsätze, ZIF) in Berlin in May 2009. Lasting six and a half days, the course will have approximately 25 participants – 21 experts and at least 4 observers (see below for discussion of the role of observers).

The goal of the course is to ensure that all experts on the JRR roster have received standardised generic training to complement their own area of expertise. Participants who do not have international experience will be familiarised with the relevant areas of international law, with the reality of conducting field missions and with some of the unique challenges that arise in investigating mass atrocity crimes. The course will also serve to create synergy between trainees, who may work together on a JRR team in the future. It will also provide an opportunity for trainers and observers to provide feedback on participants and, in particular, their suitability for inclusion on the JRR roster.

ZIF, in cooperation with the Institute for International Criminal Investigations (IICI) and the Interim JRR Secretariat (NPWJ), are selecting the trainers for the course. Observers will be representatives of interested States or non-State actors who will be chosen by the Chair and the Secretariat after consultation with ZIF and IICI.

Depending on the type of deployment, additional pre-deployment training, tailored to the country of deployment, may be provided to the JRR team. For ease of reference, the Coordinating Group agreed that the two stages of training should be referred to as ‘Generic Pre-Deployment Training’ and ‘Mission-Specific Pre-Deployment Training’. The team will also receive post-deployment re-entry training.

Thirty-four experts were nominated by State actors for the course, of which 21 primary participants and 7 alternates were chosen by the Coordinating Group (see Annex 3 for the list of chosen participants). The following guiding principles were used in the selection:

1. The expert must be nominated by a State in order to increase participation by States in the mechanism, although nominations for future training courses may also be made by non-State actors;
2. The group of experts selected for participation should represent a wide geographic distribution and should represent both States with funding capacity and States with regional expertise;
3. The group should reflect all of the core functions and areas of expertise of JRR;
4. At least for the pilot course, candidates with international experience should be privileged; and
5. The group should be gender balanced in so far as possible.

The characteristics of the selected group of experts who will participate in the JRR Pilot Training Course reflect these guiding principles: participants have a wide variety of areas of expertise; 6 out of the 7 female nominees were chosen; both potential donor States and States with regional expertise are represented; and all continents are represented.²

The Secretariat will contact each nominee to inform them of the outcomes of the selection process and, for members of the primary group, to determine their availability to participate in the course. If any primary participants are unable to participate, the Secretariat will choose alternates with similar areas of expertise to replace them, also taking into account gender and geographic representation.

² Two from Asia, one from the Middle East, one from Latin America and the Caribbean, 6 from Africa, 8 from Europe and 3 from Canada

Through the involvement of Argentina, JRR found a valuable new NGO partner, the Argentine Forensic Anthropology Team (Equipo Argentino de Antropología Forense, EAAF). EAAF will bring regional expertise to JRR and could provide a venue for training courses to take place in Latin America in the future. The Secretariat will follow up with the EAAF about sending either an observer or a trainer for the pilot course.

States whose candidates were not chosen for the pilot course are encouraged to resubmit their nomination or to nominate a different candidate for the next course.

Selection of Observers for the JRR Pilot Training Course

The role of observers at the JRR pilot training course is to validate the course by providing feedback on its content and structure, and on individual participants. The Coordinating Group agreed that feedback should be provided in the form of informal debriefings on the last day of the course, which will be integrated into a full report and communicated to the JRR Coordinating Group. All observer feedback will be handled on a non-attributable basis to avoid the feedback being construed as an official government position.

Another function of observers is to take information back to their capitals about JRR in order to facilitate a State's decision on their level of future engagement with the initiative. Observers need not be experts on JRR-related issues, although some level of familiarity is desirable.

The Coordinating Group discussed a proposal to change the title of 'observer' to something reflecting a more proactive role in the course, such as 'institutional participant'. However, the group ultimately decided that the title 'observer' is the most appropriate option.

Because many States had questions about the responsibilities and requirements of observers, they requested the Secretariat to distribute guidelines on the observer role by email after the meeting. Several States indicated their initial interest in sending an observer to the pilot training course, however, most needed to have the request approved by their capital. The group therefore agreed that interested State and non-State actors should send an expression of interest to the Secretariat by email. The Secretariat will consult with ZIF and IICI as to how many observers should be present. If a selection process is necessary, the Chair and the Secretariat will give priority to observers from States that do not have an expert on the course. They will then communicate to each State whether or not they should send an observer and will invite those States at that point to provide information on the individuals who will fill the observer role.

Roster management

Meeting participants emphasised the importance of keeping the information on experts on the roster up to date, since out of date information could lead to wasted time prior to JRR deployment. JRR must also establish a system to ensure that the expert who attends the training course is the same person who will be deployed on mission. The roster should also include information such as feedback on JRR experts gathered at the training course, as this kind of information can be helpful in assembling teams. The roster is not expected to require any special software until it surpasses at least one hundred members, but this will need further consideration at a later stage.

4. Discussion of JRR Guidelines

The JRR Coordinating Group briefly discussed the draft 'Memorandum of Understanding' between JRR participants proposed in the Feasibility Study of 2005 and agreed that the

document was outdated and resembled far too closely a legally binding instrument, which it was not intended to be. It was decided therefore to focus instead on 'Principles' and to revise the Guidelines for Deployment and the Guidelines for Cooperation to reflect more accurately the non-binding nature of JRR cooperation. The Chair and the Secretariat will present a revised document at the next meeting which will exclude any language that would seem to create legal obligations for States. States are invited to submit input on Guidelines to the Secretariat at any stage of the drafting process.

5. Operationalising the Justice Rapid Response: The Secretariat

Since JRR is now approaching its operational phase, the Coordinating Group discussed its practical functions, particularly the role of the Secretariat and the Chair. No Peace Without Justice has served as Interim Secretariat since 2006, with the direction of Germany as Chair from 2004-2007 and Canada as Chair from 2007 until the present. Although this relationship has worked very well to date, the volume of work for both the Secretariat and the Chair is likely to increase once a regular training program and roster are established, and once JRR becomes operational. This need for increased capacity must be balanced against the need to keep costs to a minimum, since JRR is designed to avoid imposing recurring financial obligations on States.

One of the concerns with the current arrangement is that the JRR Chair is also the main donor to the Interim JRR Secretariat, which creates a complex dynamic: a donor would normally maintain some distance from the operations of the beneficiary, but the JRR's Chair-Secretariat relationship necessitates close interaction. Another concern for NPWJ is that, as an organisation involved in advocacy on a variety of issues, it may encounter situations where its policy priorities in a particular situation could conflict with its role as JRR Secretariat, and that its field experience means it would also like to nominate experts to deploy on mission. While these are not current problems, their potential to arise in the future is such that thought should be given now to the structure of the organisation of the JRR to minimise the likelihood of their arising.

Some suggestions were put forward as to ways to organise the Chair and the Secretariat as the process moves forward. These include combining the functions of Chair and Secretariat; housing the Secretariat permanently within another international or non-governmental organisation; or continuing the current arrangement with increased financial support in the form of voluntary contributions from a variety of States and other donors. It was agreed that the Secretariat would assemble a document outlining a recommended option for discussion at the next Coordinating Group meeting.

Annex 1 – Meeting agenda

Sunday, 22 February 2009

19.00 Welcome reception

Monday, 23 February 2009

09.30-10.00 Welcome remarks and adoption of agenda
Canada, Chair of Coordinating Group

10.00-11.00 Overview of recent developments and general discussion of JRR
Interim JRR Secretariat (NPWJ) and Canada

11.00-11.15 Coffee break

11.15-11.45 JRR Pilot Training Course
a. Overview of purpose and goals of meeting
b. Update on preparations for course
c. Update on nominations for course

11.45-12.30 Nominations for JRR Pilot Training Course
a. Discussion of nominees
b. Selection of pilot course participants
c. Discussion of next steps

12.30-13.30 Lunch

13.30-15.15 Operationalising the Justice Rapid Response: Mission deployment
a. Overview of status of Guidelines for deployment
b. Presentation of flowchart depicting deployment
c. Discussion of flowchart depicting deployment modalities

15.15-15.45 Coffee break

15.45-17.30 Operationalising the Justice Rapid Response: Mission deployment
a. Discussion of flowchart depicting deployment modalities
b. Discussion of next steps

19.00 Dinner

Tuesday, 24 February 2009

09.30-10.45 Operationalising the Justice Rapid Response: The Secretariat
a. Organisation and funding of the Secretariat
b. Discussion of next steps

10.45-11.00 Coffee break

11.00-12.30 Conclusion (summary of discussion and next steps forward)

12.30 Lunch and departure of participants

Annex 2 – JRR Coordinating Group meeting participants

1. Martin Mainero, Argentina
 2. Emil Stojanovski, Australia
 3. Annenarie Duncker, Chile
 4. Herbert Espinoza, Costa Rica
 5. Karel Hejc, Czech Republic
 6. Namira Negm, Egypt
 7. Gabriele Visentin, European Commission
 8. Sari Makela, Finland
 9. Rama A. Kurniawan, Indonesia
 10. Saut Siringoringo, Indonesia
 11. Yoichi Fujiwara, Japan
 12. Stella Orina, Kenya
 13. Tonatiuh Romero, Mexico
 14. Chantal Joubert, Netherlands
 15. Librado Orozco, Peru
 16. Allieu I. Kanu, Sierra Leone
 17. Rahim Kamara, Manifesto99, Sierra Leone
 18. Luka Kovačec, Slovenia
 19. Javier Cuchí, Spain
 20. Ignacio Sánchez de Lerín, Spain
 21. Mirjam Blaak, Uganda
 22. Brendan Doherty, United States
- Canada:
- Alan Kessel
 - Tudor Hera
 - Andras Vamos-Goldman
 - Joseph Rikhof
 - Cindy Kleiman
 - Karen Baudson
 - Gina Connor
 - Christine Hanson
 - Elisabeth Williams
- No Peace Without Justice:
- Alison Smith
 - Elio Polizzotto
 - Niamh Gibbons
 - Niccoló Figá-Talamanca

Annex 3 – Experts selected to participate in the JRR Pilot Training Course

Primary Participants

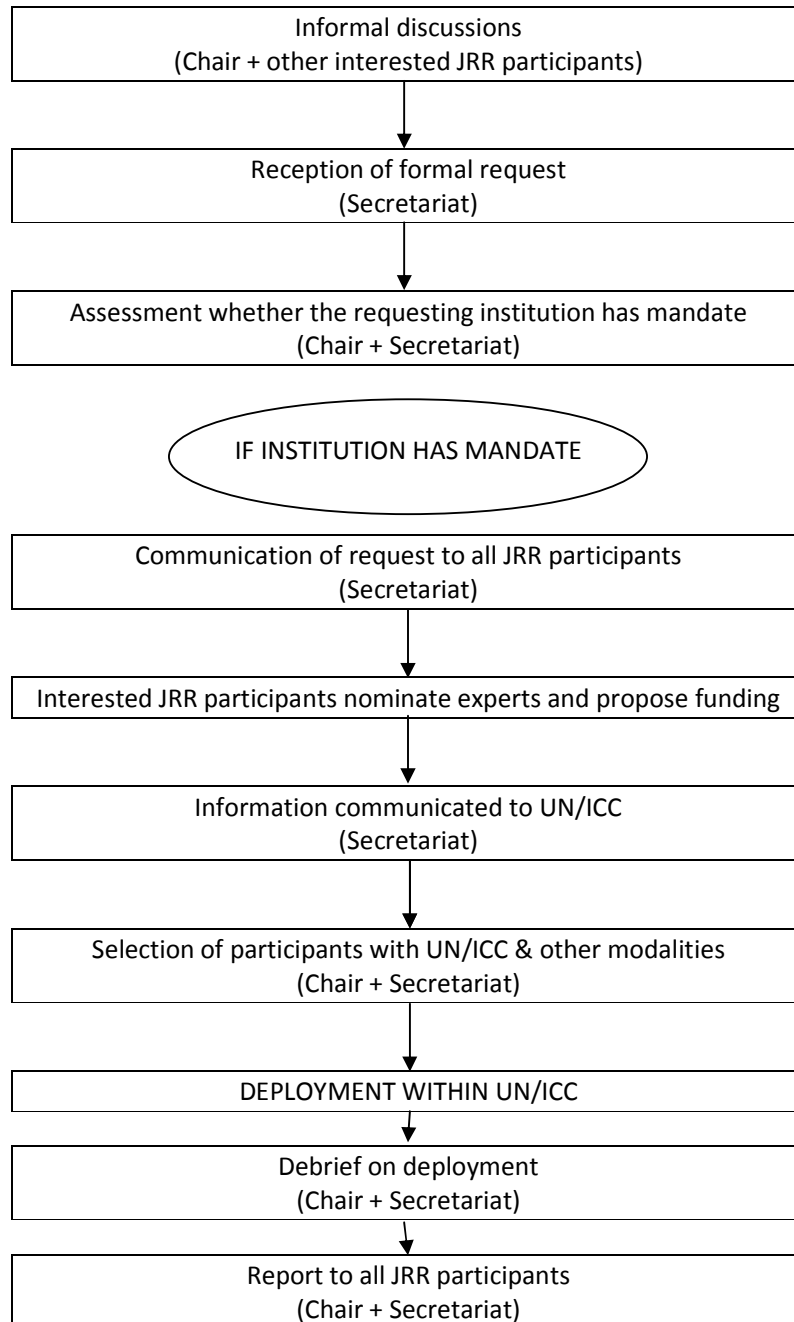
Name	Country
1. Craig Etcheson	Cambodia
2. Namira Negm	Egypt
3. Ibrahima M. Koroma, Lt Col	Sierra Leone
4. Maria E. Nystedt	Sweden
5. Fabbri Alberto	Switzerland
6. Laurence Boillat	Switzerland
7. Michael Veronique	Trinidad and Tobago
8. Emmanuel Walker	Trinidad and Tobago
9. Timothy Kanyogonya	Uganda
10. Samuel Kyomukama	Uganda
11. Bertjan Tjeerde	Netherlands
12. Hans Houwen	Netherlands
13. Madeleine Schwarz	Canada
14. Alfred Orono	Canada
15. Amelie Zinzius	Canada
16. Lieutenant Colonel Alhaji Fanday Turay	Sierra Leone
17. Ilknur Ozturk	Germany
18. Mohammed Rahim Nasrat	Afghanistan
19. Peter Forkpayea Zogolee Zaizay	Liberia
20. Michael Schulte-Schrepping	Germany
21. Karla Witte	Germany

Alternates

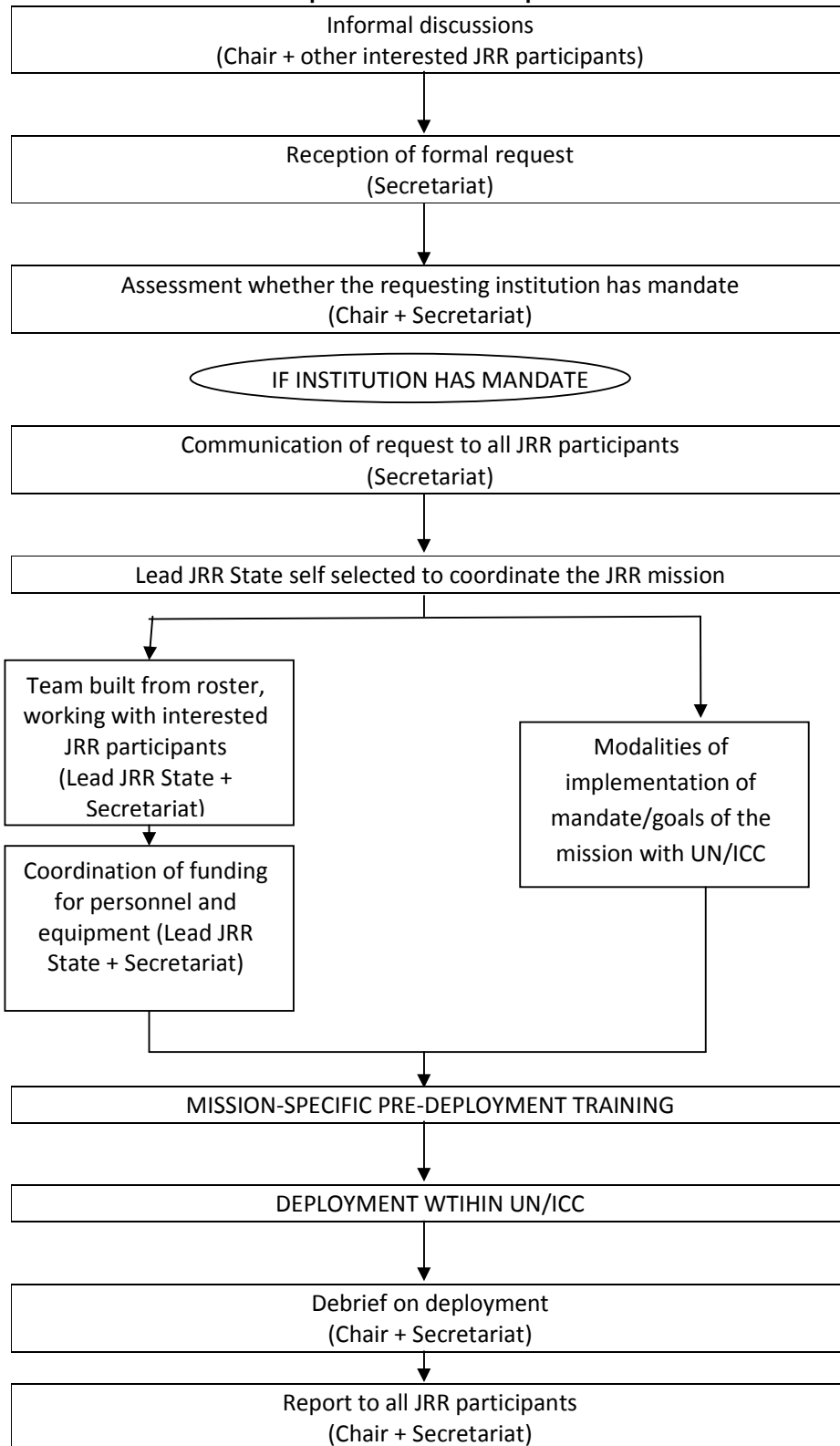
Name	Country
1. Orrin Constance	Trinidad and Tobago
2. Ancil Corbett	Trinidad and Tobago
3. Marvin Gonzales	Trinidad and Tobago
4. Nigel Seetahal	Trinidad and Tobago
5. Dominic Laferriere	Canada
6. Deborah Johnston	Canada
7. Ramadhani Mzalau	Tanzania

Annex 4 – Flowcharts on Deployment Scenarios

**Scenario no. 1
Request from UN/ICC
to provide missing expertise on short term basis
(experts on mission status)**



Scenario no. 2
Request from UN/ICC
to provide a team of experts



Scenario no. 3
Request from a State
to provide a team of experts

