



JUSTICE RAPID RESPONSE

NEW YORK 2007

JUSTICE RAPID RESPONSE MEETING
UNITED NATIONS HEADQUARTERS
WEDNESDAY 28 NOVEMBER 2007
NEW YORK

MEETING REPORT

INTRODUCTION

On 28 November 2007, No Peace Without Justice (NPWJ), in its capacity as Interim JRR Secretariat, organised the Justice Rapid Response Meeting, with the support of the Governments of Canada, Finland, Sierra Leone, Sweden, and the European Union, at the United Nations Headquarters in New York. The meeting was convened to consider the Recommendations of the JRR Steering Committee, constituted pursuant to the previous Justice Rapid Response Meeting held in New York in March 2007. H.E. Ambassador Allieu I. Kanu, Deputy Permanent Representative (Legal Affairs) of the Permanent Mission of the Republic of Sierra Leone to the United Nations opened the meeting and served as its overall Chair.

KEYNOTE ADDRESS: DEPUTY ATTORNEY-GENERAL OF LIBERIA

After brief introductions, an inspiring keynote address was delivered by H.E. Ceaineh D. Clinton-Johnson, Deputy Attorney-General for the Republic of Liberia, who highlighted the need for a Justice Rapid Response mechanism and the impact it could have had in Liberia after the atrocities that were committed during its civil war.

Cllr Clinton-Johnson referred to one school of thought in Liberia, which believes that the principal reason Liberian society broke down and the situation culminated into war was due to bad governance and the absence of the rule of law, which resulted in a culture of impunity. It is indisputable that a country that has emerged from a conflict situation faces a number of obstacles. A war-ravaged country will have a number of priorities and peace – or at least a cessation of hostilities – is often the immediate goal. However, the importance of justice in order to attain sustainable, long-term peace – and frequently also a cessation of hostilities – is a concept that Liberia, and countries such as Sierra Leone, have realised. Both countries can attest that peace and justice go hand in hand: they have now undergone peaceful transition into democracy, in part by recognising that justice is an essential component of sustainable peace.

Even once accountability is recognised as a main priority, and a country is transitioning from war to a peaceful democratic society, additional obstacles include a lack of capacity and so-called ‘brain drains’ in the society in which scholars and practitioners in a variety of fields, including the legal and medical fields, have fled the country during unstable periods and may take considerable time to return.

Several countries that have undergone such breakdowns that resulted in conflict situations have often sought different methods to restore order and to provide peace and accountability, in the forms of international or national criminal justice institutions, truth and reconciliation commissions, parliamentary committees or commissions of inquiry.

In order to provide accountability, it is necessary to understand what happened and in order to do that, there must be accurate and reliable information about the events that occurred. The keynote address affirmed that early collection of information and evidence are the building blocks of accountability, regardless of the method or process selected to provide that accountability. Cllr Clinton-Johnson emphasised the role of civil society in this regard, recognising that civil society is comprised of the people who were “in the trenches” and, as such, they know what is needed. For that reason, civil society can and does play a critical role in post-conflict solutions and will be essential to the success of the JRR mechanism.

The JRR Mechanism can play an important role in the operational realisation and concrete implementation of accountability principles and processes. It is a practical and concrete mechanism that can be used by countries in need and the keynote address concluded by noting that it would have been a useful mechanism for Liberia, in particular when the Truth and Reconciliation Commission first began its work.

STEERING COMMITTEE REPORT

Following the keynote address, the report of the Steering Committee meeting of 6 July 2007 was presented and discussed. As a starting point, the question of clarification of the various terms used throughout both the Steering Committee Report and the Guidelines on Cooperation and Deployment was raised. Participants generally felt that the terms used in the Guidelines could be revised to reflect with more specificity the functions and mandates of the Policy and Coordinating Groups, but felt that this was a task that should be done in the context of revising the Guidelines themselves. As such, the participants agreed on the following understanding of the terms used in the Report of the Steering Committee and in the Guidelines: ‘Policy Group’ refers to the decision-making body comprised of all JRR participants and partners; and ‘Coordinating Group’ refers to a smaller group of States and non-State actors that will be tasked with overseeing and managing the work of the Secretariat and bringing recommendations to the larger ‘Policy Group’, where the recommendations will be discussed and decisions will be made. It was further agreed that civil society involvement in both the Policy Group and in the Coordinating Group would make an important contribution to the JRR mechanism.

The participants therefore adopted the Report of the Steering Committee in its entirety, as written, and formed themselves into the Policy Group referred to in the Report. Having done so, the newly-constituted Policy Group indicated that they considered the Guidelines to be a suitable and useful framework for the initial implementation of the conceptual work and therefore adopted the Guidelines to serve as the initial coordinating mechanism on an interim basis.

CONSTITUTION OF THE COORDINATING GROUP

The Coordinating Group was then formed on a self-selection basis, comprised of the following States and non-State actors: Canada, Colombia, Finland, Sierra Leone, Sweden, the European Commission, and a number of specialised partner NGOs, including the Al-Kawakibi Democracy Transition Centre, the Entishar Charity Society, the Humanitarian Law Centre, the Institute for International Criminal Investigations, the

International Society for Traumatic Stress Studies, Justice Without Frontiers, Moroccan Association of Human Rights, No Peace Without Justice and ZIF. Some of the participants indicated their participation is ad referendum. It was further agreed that all JRR participants and partners will be notified of the constitution of the Coordinating Group and the fact that membership remains open, requesting they notify the Interim JRR Secretariat if they have an interest in participating in the Coordinating Group.

TASKS OF THE COORDINATING GROUP

The Coordinating Group, conceptually based on the Management Committee of the Special Court for Sierra Leone,¹ is designed to be comprised of a small group of States and non-State actors that will be tasked with overseeing and managing the work of the Secretariat and bringing recommendations to the larger 'Policy Group.

The Coordinating Group was initially tasked with developing an outreach strategy to raise awareness among potential participants and users, including both States and other organisations or institutions. The Steering Committee was previously conducting such awareness-raising through briefings with various organisations and institutions, including the European Commission, the International Criminal Court, The Hague Working Group of the ICC's Assembly of States Parties and the Office of the High Commissioner for Human Rights. The importance of a more general outreach strategy, in which information about the mechanism would be disseminated on the ground, was also emphasised, although it was considered this should be done only once the JRR is in a more concrete stage so as to manage expectations and not promise something that cannot yet be delivered.

Additionally, the Coordinating Group was tasked with continuing to review the documents adopted with a view to presenting proposals for developing more detailed Guidelines and common criteria for rosters and to contact training institutions and possible end users for training syllabus with the assistance of the Interim JRR Secretariat.

To that end, the Coordinating Group was asked to seek technical expertise through technical focal points that can contribute to the development of training curricula and standard operating procedures. Many individuals and organisations within the Policy Group offered support and are willing and able to provide expertise to contribute to training curricula and training courses that are practical, efficient and cost-effective. It is invaluable to the success of the JRR mechanism to incorporate the input of experts who have worked in the field and understand what elements are essential for a successful mission and have a better understanding of how things 'unfold' once a mission is deployed. Some of the participating organisations and institutions have previously collaborated in this area and have the capacity to develop such curricula and standard operating procedures. In particular, the Folke Bernadotte Academy (Sweden) and the European Commission have collaborated on previous projects and both voiced a willingness to contribute to the training curricula as well as the Institute for International Criminal Investigations and individual experts, among others.

Another fundamental task for the Coordinating Group is to develop terms of reference for and identify possible organisations to serve as the permanent Secretariat for the JRR Mechanism. As previously mentioned, this is an important area in which the Coordinating Group can continue to discuss the JRR Mechanism with interested

¹ See article 7 of the Agreement Establishing the Special Court for Sierra Leone.

potential users and organisations or institutions that may serve as the permanent Secretariat.

Finally, the Coordinating Group was tasked with designing a pilot deployment. Sweden indicated a readiness to provide financial support for a pilot deployment and technical advisors will be essential to assist in developing the training necessary for such deployment. The issue was mandated to the Coordinating Group to be discussed in further detail during the Coordinating Group meeting.

DOMESTIC READINESS

Once the Coordinating Group was constituted and its tasks identified, the discussions at the meeting continued on the topic of 'Domestic Readiness', which applies to all States and entities involved in JRR including but not limited to the requesting State, the receiving State and other personnel. Regarding the domestic readiness of States supplying personnel, it is important to stress that it is the decision of each State how, when and where they prepare for participation. After research by States, some initial suggestions included contacting relevant departments within existing State structures to determine what methods are already in place for addressing some of the issues that the JRR is designed to address; for example, finding out whether government agencies have the resources, capacity and interest to assist in a JRR mission, and considering the issues that may arise in preparing individuals for deployment, such as healthcare, job security, career progression and length of deployment. Suggested departments to consult included the Ministry of Foreign Affairs, the police services and the military; to this end, it was considered prudent to appoint a focal point in each relevant department to facilitate the process. For clarification, it was reiterated that the identification of focal points would be determined by each State.

Domestic readiness also applies to the receiving State and there are measures and practices that can and should be undertaken in advance of a deployment. It was widely accepted that the sooner a team is deployed, the more valuable a role it will be able to play. Specific functions such as recording patterns of violence, conflict mapping and forensic mapping will require specialised personnel. Teams may consist of a number of investigators, police officers or other personnel with extensive interviewing experience; psychologists or personnel with training in post traumatic stress disorder; prosecutors; persons entrusted with protecting evidence; persons responsible for general security measures including witness protection; and persons in charge of logistical elements of a deployment mission, to name just a few that would be essential to any successful mission. The composition of such personnel will also require domestic readiness by the receiving State, which together with the participation of local personnel, will also contribute to capacity building in the receiving State.

CONCLUSION

After a full day of fruitful presentations, interventions and deliberations, a draft outcome document was presented to the newly-constituted Policy Group. After comments and suggestions on the outcome document, No Peace Without Justice, in its continued capacity of Interim JRR Secretariat, convened the first meeting of the self-selected members of the Coordinating Group present in New York to meet at 10:00am on 29 November 2007. After concluding remarks from the Chairman as well as Canada, Finland and No Peace Without Justice, the meeting was closed.