

Concept Note

3rd meeting of the Great Lakes Judicial Cooperation Network

Kampala, Uganda, 12 – 13 November 2018

Background

1. Commitments six and seven of the Peace, Security and Cooperation (PSC, 2013) Framework for the Democratic Republic of the Congo and the region call on the signatory countries and their Heads of State and Government to “*neither harbour nor provide protection to individuals accused of committing genocide, war crimes, crimes against humanity or who are under sanctions, and to commit to facilitating the administration of justice through regional judicial cooperation.*” These commitments reinforce the International Conference on the Great Lakes Region (ICGLR) Pact on Security, Stability and Development for the Great Lakes (2006), and key ICGLR protocols relating to judicial matters.
2. While there are regional guidelines for judicial cooperation in the ICGLR Protocol on judicial cooperation and other ICGLR protocols, and a number of countries have agreements on judicial cooperation and mutual legal assistance, more concrete actions are needed to effectively foster regional judicial cooperation. Stalemate on a number of judicial cases that have a regional dimension confirmed the need for a regional entity dealing with judicial cross-border cases.
3. Despite the fact that establishing and implementing measures to strengthen judicial cooperation has been a constant call by countries of the region as a key requirement that can contribute to fighting impunity and addressing the root causes of instability and conflict, a momentum in this regard was reached in 2016 when, at a meeting held in Nairobi on 10 - 11 November, Directors of Public prosecutors (DPPs) of the region and their representatives established the Great Lakes Judicial Cooperation Network (GLJCN) and adopted its terms of reference. This represented a key step in the implementation of judicial cooperation commitments of the ICGLR Pact, the PSC Framework and the ROM decision.
4. Since its establishment, the GLJCN held two meetings, a first one in Khartoum, Sudan, on 1-2 November 2017 and a second one in Dar-es-Salaam, Tanzania, on 13-14 June 2018. The two meetings, attended by representatives of DPPs of a number of the ICGLR countries, further consolidated the role of the focal points for judicial cooperation and identified concrete actions and way forward, including addressing specific cases for cross-border judicial cooperation. The meetings also agreed that for the network to be fully operational, it needs to be dynamic, have permanent designated focal points and be equipped with adequate resources.
5. The operationalization of the Great Lakes Judicial Cooperation Network, was welcomed by the 9th Heads of state meeting of the Regional Oversight Mechanism (ROM), held in Kampala on 8 October 2018, which also encouraged the ongoing preparations for a regional conference on impunity to be followed by a meeting of Ministers of Justice in Nairobi, to, inter-alia endorse the TORs and the recommendations of the GLJCN.
6. The key recommendations of the Dar-es-Salaam meeting paved the way for the preparation of the third meeting to be held in Kampala, Uganda, on 12-13 November 2018.

A. Objectives of the activity

7. Stemming from the key recommendations of the previous meeting, ICGLR and UNODC with the support of OSESG/GL suggest that the third meeting of the network focuses on crimes related to the exploitation of natural resources and crimes related to wildlife management. The proposed objectives are:

- Analyze the findings of the UNODC-commissioned assessment on natural resources and transnational crimes in the Great Lakes region and agree on priority actions required by the focal points to ensure due investigation and prosecution;
- Encourage good regional practices and clearly identify what could the network do to support cooperation between authorities and to enhance the prosecution of cases related to wildlife management as well as to establish good practices in tracing and confiscating the proceeds of illicit trafficking;
- Assess progress made in addressing concrete trans-border judicial cases identified at the June 2018 meeting in Dar-es-Salaam and agree on steps forward to address possible remaining challenges, with a particular focus on wild life and natural resources related cases;
- Accelerate and support efforts of the ICGLR countries to fight against impunity for transnational crimes as well as war crimes/crimes against humanity/genocide through the operationalization of technical tools that facilitate judicial cooperation (UN Convention on Transnational Organized Crime, ICGLR protocols and related model legislation);
- Draw lessons from and join forces with mechanisms dealing with the same kind of crimes addressed by the GLJCN: the example of the CAR Special Criminal Court and how it may interact and reinforce the network.

B. Participants (60 in total) and organizing partners:

- 12 IGCLR Member states will be represented by the Director of Public Prosecution, two representatives of the GLJCN), and one representative of the Technical Support Committee of the PSC (48);
- Special prosecutor CAR Special Criminal Court (Bangui) (1);
- External experts - UN Group of experts (1), Greater Virunga Transboundary Collaboration (1); African Wildlife Foundation (1), TRAFFIC (1), International Fund for Animal Welfare (1), East African Community (1);
- ICGLR Executive Secretariat (5);
- United Nations agencies/departments, including UNODC (3), OHCHR (3), UNDP (2), O/SESG-GL (5);
- Members of the Diplomatic community (for the opening reception with participants) and selected civil society organizations (for the closing reception with participants) (90 for each event).

C. Methodology and suggested structure of the meeting

UNODC presentation of the main key points identified by a recently completed study on “Transnational organized crime linked to the smuggling of natural resources in the Great Lakes region” will pave the way for discussions and for identification of specific crimes/perpetrators/judicial cases;

Focal points will present progress made in prosecuting cases identified at the previous meeting, with focus on causes for the case to be stalled and the specific actions needed to unblock it and by which member(s) of the network;

The Special prosecutor of the recently-established Special Criminal Court of the Central African Republic will give an overview of the status of operationalization of the Court, its modalities for judicial cooperation and how these may interact with the GLJCN;

Participants will split in working groups to work on real case studies drawn from previous discussions and come up with suggested solutions that will lead to the drafting of MLA and extradition requests. They will report in plenary and open discussions.