

# MINUTES OF MEETING INL-MINUSCA-UNDP ON JOIN PROJECTS JUSTICE AND SPECIAL CRIMINAL COURT (SCC)

**Date:** 12 October 2013 – 15 :00

**Venue:** MINUSCA HO -Justice section

**Presents:** Frank Dalton, Jasper Pauw, Gaston Asitaki, Claude Maon, Mark Hove and Ian Catlett

**Notes:** Maty Cissé

## **Introduction**

### **1. Brief on MINUSCA Justice section**

MINUSCA's Justice and Correction Section is responsible for the implementation of the UN mandate on matters related to the rule of law and is composed of:

- The Special Criminal Court Support Unit, with a purpose of assisting with the establishment of the Court;
- The Criminal Investigations and Judiciary Support Unit. The Unit supports the investigations that might lead to cases at the Special Criminal Court, but it also assists ordinary courts in building cases;
- Re-establishment of Judicial Institutions Unit: This unit is concerned with judicial training, deployment of magistrates throughout the country, support to the Ministry of Justice and access to justice/support to the bar association.
- The Correction Unit which has the largest personnel of the section. While in the past the Unit has been concerned primarily with security in the prisons, it is now able to expand its actions to consider vocational training, prison gardens, improved management and respect for human rights.

### **2. INL's areas of interest**

INL representatives expressed the high level of US interest in the SCC as well as their desire that our action focuses on justice more broadly. The United States has earmarked \$1 million to support the establishment of the SCC.

Mr. Dalton responded that the UN has adopted an integrated approach to support the justice system in CAR since the SCC cannot function if the rest of the system is not in place to support it, especially in the regions.

Providing legal assistance is a very important area of the UN support to justice, including to the SCC. The United Nations does not want to support the creation of a repressive system that does not respect the rule of law. The join project demonstrates very much such an integrated approach.

The failure of the ordinary justice system with regard to high-profile criminals clearly demonstrates the need for the SCC. The failures of the ordinary courts cannot be fixed in the short term.

INL representative expressed the plan to collaborate with ABA-ROLI, which has established centers for legal aid. This allows building on existing mechanisms. There may be limitation for use of US funds for legal aid related to certain type of crimes. So we should have options for those (e.g., gender-related crimes). US money focus on capacity building rather than in providing legal aid. Try to bring in other donors that might be more flexible. We have to deal with the fact that the bar association is not genuinely interested in working outside Bangui.

Set up the system in a manner that creates markets to allow lawyers to function outside Bangui

### **3. State of Corrections in CAR:**

There is insufficient budget for prisons accompanied by an absence of a supplementary budget when it is exhausted. Is there any use to have capacity building assistance in budgeting? The World Bank is currently undertaking a budget expenditure review in order to make recommendations on areas where resources are being wasted with the aim of orienting the government toward a more efficient resource planning. The proportion of the state budget allocated to justice institutions, including penitentiaries, is minimal. It has to increase to ensure the system's sustainability. Prisons outside Bangui rely on charity organizations (NGOs and churches) that supply food to prisons. The budgeting process should be followed in order to advocate for funds to spend on food, medical supplies and staff. US can supply technical assistance to be located in the MoJ to assist on budgeting matters. It is not efficient without a prior advocacy to initiate government interest/will in the matter. Capacity building actions need to be linked to advocacy.

A strategy for legal aid is being drafted but the most important action is to monitor the budgeting process to ensure that resources are allocated in a sustainable manner.

### **4. Special Criminal Court Project funding**

There is a gap between the project duration (3 years) and fund availability which is only for 14 months; additional funds need to be mobilized to cover the 3 years of implementation.

The current version of the budget to be funded by INL is in the total amount of \$700, 315. The amount has to be recovered from the justice join project. The additional \$300,000 pledge is also confirmed to be recovered from the security project. This agreement needs to be formalized. An exchange of letters would suffice.

### **5. Corrections activity needing resources:**

300 additional civilian staff to be trained on penitentiary requires about \$1 million additional funding. This requires further discussion.

Apply UN HRDDP while selecting people receiving assistance to security forces to ensure they are vetted for human rights abuses. This includes forces from armed groups. US requires the vetting for police, gendarmerie and prison officers for training and equipment. Justice staff do not require vetting under US rules.

### **6. Follow up actions**

- Prepare a proposal on how to proceed with the fund transfer between UNDP projects identifying budget lines that will be reduced in the Justice and Security projects;

- Draft the note to be signed by INL to allow UNDP to proceed with budget revisions and transfer of funds.
- Responsible persons: Claude, Sofiene, Maty, Philippe– Deadline: Friday 21 October 2016 COB.

**The meeting ended at 16h35**