



*Empowered lives.
Resilient nations.*

Rule of Law

Darfur Joint Assessment Mission (DJAM)

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Abbreviations

AMIS	African Mission in Sudan
CPA	Comprehensive Peace Agreement
DDPD	Darfur Doha Peace Document
DJAM	Darfur Joint Assessment Mission
DPA	Darfur Peace Agreement
DRA	Darfur Regional Authority
IDPs	Internally Displaced people
INC 2005	Interim National Constitution
NGO	Non-Governmental Organizations
NHRC	The National Human Rights Commission
TJRC	Truth, Justice and Reconciliation Commission
TRC	Truth and Reconciliation Committee
UNMIS	United Nations Mission in Sudan

Disclaimer:

The views expressed in this publication are those of the author (Consultant) and do not necessarily represent those of the United Nations, including UNDP, or the UN Member States.

Biography of the Author

This report is prepared by Mohamed Abdelsalam Babiker, Assistant Professor of International Law, Deputy Dean and Head of International and Comparative Law Department at the Faculty of Law, University of Khartoum. He is the team leader of the DJAM, Rule of Law Cluster. His field of expertise and research interest is International Human Rights Law, International Humanitarian Law and International Criminal Law. Dr. Babiker is the author of *Application of International Humanitarian Law and human Rights Law to the Armed Conflicts of the Sudan: Complementary or Mutually Exclusive Regimes* (Intersentia, Antwerp Oxford, 2007). He has also contributed chapters in books as well as publishing in peer reviewed international journals in the United Kingdom, France, Italy, USA, the Netherlands, and South Africa. He has also contributed in research projects with academic and research institutions in European and American Universities. Dr. Babiker also worked as a Legal Advisor and a Human Rights Officer with several UN and AU peacekeeping operations in Sudan such as AMIS, UNMIS, UNMAID and a Consultant with a number of UN agencies and international NGOs, with particular focus on Darfur.

Background and Situation Analysis

Since the eruption of the armed conflict in early 2003, the civilian populations and individual civilians in Darfur have been subjected to systematic, widespread and serious violations of international human rights and humanitarian law by all parties to the conflict. Due to this grim reality, the DRA, with the assistance of the DJAM is entrusted under Article 65 of the DDPD to promote and achieve justice, peace and reconciliation and the consolidation of social peace, creation of durable conditions necessary for voluntary return and resettlement of IDPs and protection and promotion of human rights; enhancing transparency and good governance. In order to realize this demanding mandate it is a prerequisite that effective rule of law institutions are in place and operational, in particular in the context of a society afflicted by a protracted armed conflict.

In Sudan in general, and Darfur in particular, there is an urgent need for strong, transparent and efficient justice institutions which are accessible, empowered and, above all, able and willing to deliver justice. The lack of adequate access to such institutions are serious challenges to people's livelihoods and well-being. The severe lack of confidence in the existing rule of law institutions, interference in the work of native administration and the gradual weakening of functioning local reconciliation mechanisms were all listed as the most crucial priorities that need to be tackled. Also, there is a need to rebuild and ensure actual presence of justice institutions such as the Police, the Prosecution and the judiciary, in particular in all the localities and administrative units in Darfur. Such institutions are understaffed and lack physical presence in almost the five states of Darfur. There is no doubt, the prolonged or protracted armed conflict in Darfur has had adverse effects and completely eradicated the effective presence of such institutions to ensure access and delivery of justice.

Also, the deep mistrust between the state government authorities and parts of the Darfur population is an obstacle for people to access justice institutions. It is widely perceived in Darfur that such justice institutions are failing in their responsibility or unable to protect citizens. Victims of serious crimes face difficulties in seeking legal redress due to the lack of access to the justice system in the context of an ongoing armed conflict. Furthermore, the gradual weakening of traditional or customary justice mechanisms (which played effective role in the past and continued to play this role), further compounded the problem of access to justice. Given these multiple and interrelated dynamics, 'the restoration of peace in Darfur is inextricably linked to the restoration of the rule of law'. Another dilemma, however, is that the restoration of rule of law is

also dependent on the restoration of both peace and security. No justice institutions, formal or informal, can ensure effectiveness in the absence of peace and security. This view is widely held by Darufrians in all localities. Hence, the realization of rule of law is hinged upon the restoration of peace and security in order for the justice system to be able to deliver justice to the impoverished populations.

Thus, in this bleak reality, the restoration of peace and the protection of the civilian populations in Darfur remain the main priority. Civilians have constitutional human rights which are guaranteed by the Bill of Rights of the Sudan Interim National Constitution 2005 (INC 2005) and international human rights treaties ratified by the Sudan. The latter treaties were regarded as integral part of the Constitution. The parties to the DDPD recognize this in Article 1 of the Doha Document which calls for the promotion and protection of human rights and fundamental freedoms of all people of Darfur. They pledge that all parties 'shall guarantee the effective enjoyment of all rights and freedoms enshrined in Part Two of Sudan's Interim National Constitution and international human rights instruments to which Sudan is a party'. However, in order to realize the rights and freedoms of the Bill of Rights of the Constitution and improve the human rights situation in practice full-fledged recovery of the rule of law sector is urgently needed. It is imperative to recognise here that this sector cannot recover or operate effectively while the armed conflict is ongoing, both in terms of its high and low intensity, and also in the context of armed hostilities constantly waged by many non-state armed groups outside any political settlement threatening the fragile peace. The dilemma is that rule of law institutions are severely compromised or paralyzed to administer justice. Such institutions cannot operate on the ground in the context of armed hostilities while the informal traditional justice systems (which historically played a role in the realization of communal peace) have been politicized, marginalized, divided and manipulated.

Accordingly, all stakeholders need to design clear policies and strategies on how to deal with this complex reality in the context of the protracted conflict in Darfur. Ensuring rule of law, thus, requires tremendous efforts to be done where not only human rights violations exist but also massive and systematic humanitarian law violations continued to be committed by all parties. Violations associated with the armed conflict such as grave breaches of the Geneva Conventions of 1949 and reparations for victims of violations (including restitution of property, compensation, apology, guarantee of non-repetition) need to be addressed by rule of law institutions. All these issues can be settled within the agreed new framework of the DDPD but this requires building the capacity of the formal justice system including the Judiciary, the Police, the Prosecution as well as empowering the traditional justice system. Also, in order to ensure justice the new DDPD Commissions entrusted to deliver justice shall be supported and empowered in order to be able to deliver its mandate in coordination with the other formal and informal justice sectors.

Rule of Law Institutions

The Judiciary

The parties to the DDPD agree that Sudanese national courts shall have jurisdiction over the crimes committed in Darfur since February 2003 in addition to the need to continue broad reforms with a view to reinforcing their capacity, professionalism and independence and to ensure equal justice for all.¹ There is also a general recognition that the Judiciary needs capacity building to enhance communities' access to justice. In order to facilitate this concrete steps need to be taken such as increasing the number of judges; ensuring the protection of judicial personnel, victims and witnesses and ensuring that judicial proceedings guarantee the rights to due process and a fair trial, in addition to eliminating any existing or potential barriers obstructing the communities of Darfur from exercising their right to litigation, justice and remedy.

Also, in order to ensure the effectiveness of the judicial system it needs to be strengthened through the establishment and building of courts in many localities and administrative units and also the provision of adequate resources. Particular logistical support shall be allocated to new states such as East Darfur State and Central Darfur State; such States not only lack courts but also judiciary Headquarters and other basic infrastructures and facilities in order to be able to deliver justice. The judiciary also needs to maintain itself as an autonomous authority immune from any interference in order to ensure the effectiveness of the operation of the principles of separation of powers between the judiciary the executive and the legislature. Law reform is also needed to assist the judiciary in the application of laws, in particular, the Evidence Act 1993, Police Act 2008, the Armed forces Act 2007, the National Security Act 2010, the Criminal Act 1991 and the Criminal Procedures Act 1991. The Special Court for Darfur also needs to be strengthened in terms of its mandate, jurisdiction, trained personnel, system of protection of victims and witnesses and operational independence.

Police:

The Police force, in Darfur has presence in the localities, however, such force is under resourced and need to be equipped with cars, investigation laboratories, etc... The lack of presence of courts and prosecution attorneys in many localities gives the Police wide powers to

¹ Article 53 of the DDPD.

assume the functions of the attorneys in many localities in Darfur. In some instances, the Police presides over investigations, a role which normally suppose to be taken by the Prosecution. There is also an urgent need to build the capacity of the Police so as to be able to deal with crimes and human rights violations. Also, it is widely perceived that there is a need to stop appointment of individuals in the justice sector on tribal basis, in particular in the Police force. It is argued that the Police shall be neutral, independent and immune from any interferences in its work.

Prosecution:

Currently, the Prosecution lacks presence in most localities and administrative units of Darfur States, with the exception of the capitals of the five States. Hence, there is an urgent need to establish offices as well as appointing Prosecutors and increase their numbers in most localities so as to ensure proper administration of justice. Furthermore, allocation of adequate resources is required for the effective delivery of justice including providing necessary land and air transport throughout Darfur for prosecution officials and empowering the Ministry of Justice Prosecution Office to conduct necessary investigations. Also, there is a need to build the capacity of criminal prosecution attorneys in the localities, ensure their independence and empower them to supervise the work of the Police (i.e. conduct regular visits to custodies and ensure detainees rights). Also, there is a need to make the work of the Prosecution prompt through referrals to courts without any delay. Particular attention of capacity building programs should be given to the Police in the localities affected by armed conflict. Creation of Special Prosecution Offices and police custodies for children and women and people of special needs is also needed in all Darfur States.

SGBV

The armed conflict in Darfur has caused massive displacement and violence, particularly women, who are exposed to forms of sexual and gender-based violence (SGBV). Reports and cases of rape of women and girls outside displacement camps have been well documented and few cases are reported to the authorities due to the stigma, fears of retribution and lack of trust. Thus, intervention is required by the authorities to prevent such forms of violence and provide appropriate support to survivors. The Government and Darfur State Committees have advocated for security for women and girls, prosecution of perpetrators of violence, and access to legal rights and medical and psychosocial support. Some

government policies and procedures have been amended to enable better response to SGBV. An amendment to Criminal Procedures confirms the right of survivors of sexual abuses to receive medical treatment without first reporting to the Police and completing a criminal form (Form 8). Review of the Criminal Act 199 and awareness raising are required to influence policy and legal changes in Darfur regarding SGBV. Capacity building and training of judicial and prosecutorial bodies to address GBV cases, legal aid services and legal counselling to survivors, legal processes within the courts, and psychosocial support in preparation to filing of the cases are all need to be programmed and implemented. Training shall also be given to traditional and customary courts that are common in Darfur on how to handle SGBV cases through their native courts. Thus, there is a need to support all stakeholders for the prevention and response to SGBV through an approach based on rule-of-law and access to justice, promotion of gender equality and civilian protection. Also, efforts to strengthen the functions of the national justice systems as well as the traditional forms of justice should be enhanced, to help ensure that such systems respect the rights of women and girls.

Legal Representation

The provision of legal representation is one of the essential aspects of how victims of violations can access justice not only in Darfur but in all Sudan. Legal representation requires legal aid and good laws to facilitate access to justice. However, in Sudan legal aid provided by the government is limited in its scope and only provided in the most serious crimes (i.e. death penalty). In view of the lack of access to justice and the absence of legal counselling, legal representation, activities should empower communities and civil society to fill the existing vacuum until state institutions have built adequate capacity. The enactment of legal aid laws and establishment of Legal Information Centres and capacity building of paralegals at the state and national level are essential for the rule of law. Also, the provision of legal representation and the gradual expansion of the activities and scope of the Legal Aid Centres and the Lawyers' Network will contribute to redress victims of violations who do not have the ability to access courts. It is imperative thus that legal aid should be provided to communities through strengthening the legal aid departments at the ministry of justice in all Darfur states as well as supporting existing legal aid groups and empowering them to provide this service, in particular in the localities. UNDP provides legal aid and support to legal aid departments in Darfur (North Darfur State) as well as NGOs and this should be supported and expanded.

Informal and Traditional Justice Institutions

Informal justice institutions play a vital role in peaceful settlement of communal disputes, particularly in rural areas where the formal justice sector is unable to cover the vast Darfur region given the limited resources, limited presence of police, attorneys and judges. The responsibilities of informal traditional system today include provision of security to the community, local judiciary at the level of town and rural courts, dispute solving between different tribes, and taxation. The limited presence of the formal justice system created a vacuum while the informal justice system is shattered by the military environment, displacement, and politicization, rendering whole communities vulnerable to arbitrary violence and lack of protective system. As a result, some communities have lost faith in the traditional system that supposes to protect local communities. Nevertheless, the informal justice system still viewed in all Darfur localities as a viable trusted system which can still provide reconciliatory justice and redress communities. It promotes dialogue as an appropriate forum to achieve both justice and reconciliation among the tribes and to consolidate the reconciliation mechanisms recognised in Darfur. It can also play an important role in land disputes which requires knowledge of applicable customary laws. It is complementary to the formal justice institutions, in particular with regard to issues of justice and reconciliation. Close reading of the DDPD confirms this. The Agreement recognizes in Article 52 that Justice and reconciliation are integral and interlinked elements for lasting peace in Darfur and are essential for upholding the rule of law. Thus, independent and impartial indigenous mechanisms (without being politicized) can play a role in complementing processes of justice and reconciliation while maintaining the formal justice system to assume its natural role.

However, it has to be acknowledged that in order to create a viable link between the formal and informal justice sector, there is a need for careful harmonization between the two justice sectors. This harmonization can only be realized through the provision of technical assistance and support to enhance coordination between formal courts, customary courts and DDPD Commissions in order to create the required link, cohesion and avoiding inconsistencies and overlaps in terms of powers and mandates. Also, the subject matter jurisdiction of the traditional justice system shall be strengthened in order to be able settle communal disputes and realize social peace. This requires law reform in order to provide such institutions with wide legal powers to redress violations through reconciliatory justice rather than retributive justice. However, preparatory work and studies is urgently needed to assess the traditional justice system, its relation with the formal justice and how it can be integrated in the justice system so as to be able to assume its vital role.

The DDPD Commissions and Rule of Law Institutions

As in the case of the CPA 2005 and DPA 2006, the DDPD establishes important Commissions which can play important roles in the process of

realization of justice and promotion of communal peace. Commissions such as the National Human Rights Commission and decentralized States Human Rights Commissions, Darfur Land Commission, Truth, justice and Reconciliation Commission (TJRC) can all play an effective a role if legally empowered, staffed and their operational independence is ensured. Unfortunately, all these aforementioned Commissions are not yet established.

The National Human Rights Commission/Darfur decentralised Commissions

The National Human Rights Commission (NHRC) was established following the passing of the National Human Rights Commission Act 2009. The Commissioners were appointed three years later in 2012 and currently the NHRC is operational at the federal level in Khartoum. The NHRC is entrusted with the task to facilitate, within three months from the signing of the DDPD to establish 'decentralised, independent, autonomous and resourced states Human Rights Committees for Darfur'.² Both the NHRC and the States Human Rights Committees are further mandated to monitor the situation of human rights as well as protect and promote human rights in Darfur, in particular the fight against all forms of discrimination and the protection of economic and social and cultural rights, have access to all relevant documents and information pertaining to human rights including physical access to all detention centres throughout Darfur.³ However, in order for the NHRC and states Committees to achieve their tasks, technical and material assistance (i.e. monitoring, advocacy and capacity-building programmes) (as required by article 16) may be sought from the United Nations Office of the High Commissioner for Human Rights, the African Commission on Human and Peoples' Rights and other international organisations and peace keeping organizations such as the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and human rights and civil society organisations in Darfur.

The Darfur Land Commission & the Judiciary

² Article 13 of the DDPD

³ Articles 14 and 15 of the DDPD.

The land tenure system raises complicated issues in the Darfur conflict and resolving land disputes is one of the priority areas that need to be addressed as a matter of urgency as it is interlinked with the rule of law institutions. The DDPD has addressed the issue of development and management of lands, *Hawakeer* and natural resources in article 32 of the Doha Document. The Darfur Land Commission (not yet established) is entrusted to handle complicated tasks which cannot be achieved without the reform and coordination with rule of law institutions. Such tasks include: reformation of the 1925 Law related to traditional and historical lands (*hawakeer*), settlement and registration, land use and its conformity with customs, traditions and heritage on land ownership, traditional livestock routes and access opportunities to water sources. Other complicated tasks include lands granted under the investment laws; restoration of land to displaced persons and other persons arbitrarily or unlawfully deprived of their possession or rights to land and their right to restoration of land possession as well as prompt compensation. Also, tribal traditional land ownership rights (*hawakeer*), historical rights to land, traditional and customary livestock routes and access to water sources shall also be recognized and protected by the Commission through the amendment of land laws to ensure the historical, traditional or customary rights to land. It is obvious that this mandate is not only demanding but its implementation is linked, and may be in conflict with the roles of the judiciary and the legislatures. Hence, coordination with the formal justice sector is imperative. This requires careful drawing of mandate and regulations and independent and autonomous Land Commission which to be established by an Act of Parliament. The Darfur Land Commission, however, shall operate without prejudice to the country's formal courts.

Also, the Darfur Land Commission is empowered to consider traditional and historical rights to land, registration and allocation of land but without prejudice to the courts' jurisdiction. Thus, the mandate of the Land Commission requires careful delineation or demarcation of roles in order to be in harmony with the judiciary role. Furthermore, the Darfur Land Commission have other semi or quasi-judicial functions such as arbitration on land rights disputes, land compensation but also subject to court referrals for final decisions. The arbitration decisions of the Commission is binding upon the parties in dispute but may be enforced by a competent court. Most importantly, after the exhaustion of dispute resolution mechanisms of civil administration and arbitration, *only courts have the jurisdiction to settle land-related cases*. Courts shall adjudicate the disputes on the right to land and assess the fair, immediate and equitable compensation. But for courts to be effectively engaged, land law reform needs to be in place in order to ensure effective system is actually in place. Finally, the National Land Commission (which was never established under the CPA since 2005) and the Darfur Land Commission shall, under the DDPD coordinate their work. However, this coordination needs to be carefully agreed upon as both Commissions may operate with different interests. In this respect, the DDPD provides that in the event of a contradiction between the results and recommendations of the National Land Commission and those of the Darfur Land Commission, and if no settlement or reconciliation is reached, the issue under dispute shall be referred to the Constitutional Court for judgment.

Truth and Reconciliation Committee (TRC)

The DDPD parties agree that the reconciliation process should aim at providing appropriate conditions for social and peaceful reconciliation; rebuilding and strengthening relationships between the components of the society as well as raising the level of coexistence; cooperation and social solidarity in Darfur; eradicating tribal and regional polarization and preventing the tribes from fighting out of tribal motivations; establishing a culture of peace in accordance with the values and the traditional cultural heritage; formal and informal apologies, individually and collectively, to the victims of war.⁴

The Truth and reconciliation Committee includes *Ajaweed* Council and the Native Administration. However, in order for the Committee to achieve reconciliation, the system of native administration shall be strengthened in order to enhance its capacity to efficiently carry out its mandate.

Truth, Justice and Reconciliation Commission (TJRC) and the Judiciary

Justice and Reconciliation for Darfur cannot be separated. They are inextricably linked and should therefore be approached, conceptually and procedurally. Within Darfur there are established practices and traditions which can be used to promote reconciliation and to settle intra and inter-community disputes. These traditional mechanisms need to be complemented by formal justice and reconciliation measures. It is, therefore, important that reconciliation should be seen as relevant and compatible with criminal justice processes. To make justice and reconciliation more relevant to the current Darfur situation, the TJRC mandate can be utilized effectively and in a timely manner; it is closely linked to rule of law institutions and suppose to play complementary role to the judiciary and it shall operate without prejudice to the jurisdiction of national courts.⁵ Therefore, the TJRC shall be created by law as a matter of priority. However, it was not yet established although the DDPD calls for its establishment within 45 days of the signing the DDPD and be composed of two Committees: the Justice Committee and the Truth and Reconciliation Committee. The former Committee is mandated to receive, examine and assess compensation claims. This Committee, in order to

⁴ Article 55 of the DDPD.

⁵ Article 314.

be accessible and operational, it shall be supported to adopt its rules of procedures and *modus operandi* and also be assisted by technical committees.

On the other hand, the Truth and Reconciliation Committee (TRC) shall assess the root causes of the conflict in Darfur, investigate violations, crimes and human rights abuses committed from February 2003, address issues of impunity and build a culture of confidence, peace and reconciliation. The TRC shall be composed of eminent personalities, representatives of the ethnic and cultural diversity of Sudan, with due respect for gender balance. Again, It is essential that the TRC adopts its rules of procedures so as to be able to operate as a body that plays a quasi judicial role, particularly its mandate is demanding. This mandate includes the provision of a medium for the victims and perpetrators of human rights violations as well as other citizens to share their experiences, establish a common understanding of the past, facilitate genuine healing within and among communities and promote reconciliation and prevention of atrocities in the future, in addition to recommending measures towards comprehensive and lasting peace in Darfur.

3. Objectives

The overarching goal is to enhance the capacity of all stakeholders in the justice system, both formal and informal, reduce impunity within the framework of international human rights standards and applicable international humanitarian norms. For this purpose the DDPD calls on all parties to 'fulfil their obligations' under such norms and ensure conducive environment for the effective exercise of civil and political rights as well as the full and equal enjoyment of economic, social and cultural rights'. To realize this goal in reality and restore rule of law (as a long-term objective) this requires the operation of an effective credible rule of law institutions. The goal for the rule of law sector must, therefore, realise the following specific objectives:

Specific Objectives

1. Empower all stakeholders, both at the local and federal level, to actively engage in addressing the severe gaps in the rule of law sector through restoration of justice and improved access to justice through legal and institutional reform.

2. Build the capacity of traditional justice institutions, including customary courts and statutory courts (i.e. town and rural courts) mandated to address local peace by widening their mandate to match the scale of violations so as to be able to deliver effective justice and promote communal peace, not through retributive justice but reconciliatory justice as a philosophy having its roots and legitimacy among the local communities in Darfur.
3. Reform of Sudanese legal framework and establish confidence in statutory and customary rule of law institutions.

4. Priorities after the signing the DDPD

Unfortunately, the DDPD has no legal force as it was not yet incorporated into the 2005 Interim National Constitution (INC 2005). This Document provides: 'Immediately after the signing of this document, it shall be accorded constitutional status, and this shall be stipulated in the national constitution'.⁶ Thus, it is of an utmost priority that the DDPD be incorporated as part of the Constitution, otherwise it will not have any legal force. In terms of programming, the current conflict situation in Darfur requires immediate, short-term and long term programs so as to ensure the gradual promotion of communal peace and social peace, redress of violations, the restoration of effective rule of law institutions. These priorities could be summarized as follows:

- To restore confidence in the justice system as the immediate first step and make it accessible to all civilians without distinction as to race, ethnic origin, colour, social origin, social status, property, wealth and any other similar criteria;
- To build the capacity of formal rule of law institutions including the judiciary, the Prosecution, the Police so as to be able to deliver justice and provide redress to all civilians;
- To empower the informal justice system in order to be able to settle communal disputes and realize social peace. This requires law

⁶ Article 487.

reform to provide such institutions with wide legal powers and mandate to redress violations through reconciliatory justice rather than retributive justice. It also requires capacity building of local communities to promote peaceful settlement of disputes and achieve gradual reconciliation in a war-torn society;

- To reduce the level of impunity by ensuring that both law and institutional reform is conducted. The purpose is to gradually restore confidence amongst local populations and communities.
- To establish, support and empower the DDPD Commissions which are not yet created, namely the National Human Rights Commission, Land Commission, Compensation Commissions and TJRC. Such Commissions, if legally empowered, staffed and their operational independence is ensured they will be able to play a key role in supporting the rule of law sector.

Result Framework

ANNEX 1: RULE OF LAW RESULTS FRAMEWORK: TOTAL BUDGET - USD 151,970,000

TWG (#) Objectives	Ranked Priorities/Needs	Outputs/Activities	Indicative costing of Outputs (a) in USD	Instruments		Timeframe** FA, ST, LT	States
				TA, Policies, Programs, Peace Div. Projects, etc	Costs subset of #(a) (USD)		
<p>Objective 1: 1. Enhance the capacity of statutory rule of law Institutions (i.e. Judiciary, Police, prosecution) to ensure justice, restore confidence, combat impunity and be responsive to human rights violations.</p>	<p>1. 1 Improvement of human rights conditions across Darfur 1. 2. Increased confidence of Darfurians to access justice and seek redress through courts, prosecution, police 1. 3. Reduced level of impunity through cases taken against law enforcement officials</p>	<p><u>Strengthening of Judiciary, Prosecution, corrections and legal assistance and increased access to justice</u></p> <p>1.1 Institutional reform and Capacity building programmes for Rule of law institutions including Judges on handling cases related to human rights violations and other law enforcement including , prosecutors, police, security, army corrections officers, and parliamentarians</p> <p>1.2. Establishing and Increasing number of courts and judicial personnel including judges and prosecutors;</p> <p>1.3 Establishing the Judiciary HQ at the EDS AND CDS including administration (finance, documentation of cases offices, judges offices, judiciary police) at the capitals of EDS and CDS</p> <p>1.4. Building Houses for judges, prosecutors and other law enforcement throughout Darfur.</p> <p>1.5 Strengthening and utilizing the system</p>	<p>1.1. Training costs: 3.880 USD per year x 6 Yrs= Total 23,280,000 USD</p> <p>1.2. Build and increase the number of courts and attorney offices - at the localities: USD120,000 each x 40 units (estimated 20 per state) = USD 9,600,000</p> <p>1.3. Judiciary HQ at EDS & CDS 6000,000,00 X2= 12,000,000</p> <p>1.4. Houses for judges, prosecutors and other</p>	<ul style="list-style-type: none"> - Consultancy - Consultations - Policies 	<p>3.880 USD per year</p>	<p>FA</p> <p>1. Conduct survey on Immediate needs of capacity building for law enforcement officials (police, prosecutors, Judges). 2. Conduct studies on draft laws on draft legislations 3. Conduct a survey on location of courts to be established in terms of population needs, secured localities and priority areas.</p> <p>ST</p> <p>1. Appointment of judges and prosecutors at the</p>	<p>North, South, East, West, Central Darfur</p> <p>Establish the Judiciary HQ at the EDS AND CDS requires more funding for the two states</p>

TWG (#) Objectives	Ranked Priorities/Needs	Outputs/Activities	Indicative costing of Outputs (a) in USD	Instruments		Timeframe** FA, ST, LT	States
				TA, Policies, Programs, Peace Div. Projects, etc	Costs subset of #(a) (USD)		
		<p>of mobile courts;</p> <p>1.6. Provision direct legal aid support through lawyers and paralegals, clerks across Darfur.</p> <p>1.7. Enhanced legal awareness through grass-roots activities and media</p> <p>1.8 Empowering the Ministry of Justice Prosecution Office to conduct necessary investigations;</p> <p>1.9 Ensuring the protection of judicial personnel, victims and witnesses</p> <p>1.10. Ensuring that judicial proceedings guarantee the rights to due process and a fair trial,</p> <p>1.11. Law reform of repressive laws (criminal, evidence) to eliminating any existing or potential barrier obstructing people of Darfur from exercising their right to litigation, justice and remedy.</p> <p><u>Strengthening Police and Corrections</u></p> <p>1.12. Provide technical support for development (community) policing strategy</p> <p>1.13. Capacity building police.</p> <p>1.14. Strengthened police through constructing and equipping police posts</p>	<p>law enforcement officials = USD60,000 each x 50 units (estimated 10 per state) = USD3,000,000</p> <p>1.5. Mobile courts including land and air transport: 2,000,000 USD per State = USD 8,000,000</p> <p>1.6. Ensuring justice delivery through legal aid to lawyers and paralegals: 1,900,000 per year x6= 11,400,000 USD</p> <p>1.7. Continuous awareness-raising through media and grass-roots activities: 50,000 * 64 localities = 3,200,000 USD</p> <p>1.8. Build laboratories for criminal investigation + training: USD100,000 each x 50 units (estimated 10 per state) = USD5,000,000</p>			<p>localities.</p> <p>2 Establishing of prosecution offices and courts at the localities.</p> <p>3 Submit draft laws to legislative assemblies (state,. federal)</p> <p>4. Establishing Child protection prosecution</p> <p>LT</p> <p>1. Adopt strategies and capacity building programs.</p> <p>2. SGBV crimes in the law in order to widen the scope of gender crimes as part of the criminal Act for better protection of women.</p> <p>3. Law and institutional reform at the federal level through national and states parliament</p>	

TWG (#) Objectives	Ranked Priorities/Needs	Outputs/Activities	Indicative costing of Outputs (a) in USD	Instruments		Timeframe** FA, ST, LT	States
				TA, Policies, Programs, Peace Div. Projects, etc	Costs subset of #(a) (USD)		
		<p>and housing for police</p> <p>1.15 Build and equip Police Stations and custodies in particular in rural areas and administrative units.</p> <p>1.16. Directives and policies for police to enhance confidence in the police and clarify relation to other security institutions</p> <p>1.17. Strengthening investigative capacities through training and equipment</p> <p>1.18. Construction and rehabilitation of prisons, ensuring separate facilities for women and children</p>	<p>1.9. Protection support: <u>1,000,000 USD</u></p> <p>1.10. Facilitation consultative policy development, , directives for judicial proceedings to guarantee fair trail : 500,000 for workshops and meetings per State = <u>2,500,000 USD</u></p> <p>1.11. Criminal Law reform of repressive legislations and right to remedy. 500,000 for workshops and meetings per State = <u>2,500,000 USD</u></p> <p><u>Strengthening Police and Corrections</u></p> <p>1.12. Technical capacity strengthening and facilitation of consultative process to development (community policing strategy): Training and Workshops per locality: 50,000 * 64=</p>				

TWG (#) Objectives	Ranked Priorities/Needs	Outputs/Activities	Indicative costing of Outputs (a) in USD	Instruments		Timeframe** FA, ST, LT	States
				TA, Policies, Programs, Peace Div. Projects, etc	Costs subset of #(a) (USD)		
			<p><u>3,200,000 USD</u></p> <p>1.13. Training police officers on areas such as investigations, human rights, small arms control, dealing with armed mobs, confidence-building etc: 500,000 per State =</p> <p><u>USD 2,500,000</u></p> <p>1.14. equipped police posts for community policing per locality: 35,000 * 64 =</p> <p><u>2,240,000 USD</u></p> <p>1.15. Build + equip Police Stations and custodies: USD 200,000 each x 64 (estimated 1 per locality) = <u>USD12,800,000</u></p> <p>1.16 & 1.17 (included under item 1.1 training const)</p> <p>Build units to support children through creation of specialized police and prosecution office:USD60,000 each x 15 units (estimated 3 per</p>				

TWG (#) Objectives	Ranked Priorities/Needs	Outputs/Activities	Indicative costing of Outputs (a) in USD	Instruments		Timeframe** FA, ST, LT	States
				TA, Policies, Programs, Peace Div. Projects, etc	Costs subset of #(a) (USD)		
			state) = <u>USD900,000</u> 1.18 .Build and rehabilitate prisons, including separate prisons for women and juveniles: USD 250,000 each x 15 units (estimated 4 per state) = <u>USD3,750,000</u> <u>Total: 106,870,000 USD</u>				
2. Enhance capacity of traditional institutions including customary courts to settle communal disputes, provide redress of violations	2.1 Enhanced capacity of the informal traditional justice mechanisms to adequately deliver justice through reconciliatory justice rather than retributive justice 2.2 Increased access to justice delivered by in rural and town courts with wide mandate to apply legal rules. 2.3 Empowerment of customary courts to have powers and jurisdictions on wide range of cases to ensure communal peace	2.1 Enactment of laws to empower rural and town courts through statutory reform; 2.2 Adoption of, policies on the role of customary institutions in delivering effective justice 2.3 Commission studies to examine the link between formal and informal systems 2.4 Design and implementation of policies to take into consideration SGBV and harmonization with customary justice 2.5 Training of traditional judges on both customary and formal justice. 2.6 Well-targeted capacity building of the informal justice system, and customary law in accordance with international standards. justice structure 2.7 strengthened informal mechanisms and promoting peaceful conflict resolution	2.1. + 2.2.: inclusive process and development of policies, law reform and workshops 250,000 USD per State = 1,250,000 USD 2.3.:study: 250,000 USD 2.4.: inclusive process and awareness-raising across States: 200,000 * 5 1,000,000 USD 2.5 + 2.6 + 2.7: continuous training and collaboration to implement per locality: 400,000 * 64 = 25,600,000 USD <u>Total 28,100,000 USD</u>	- Public Consultations		FA Commission/initiate studies on the relationship between customary courts and formal courts ST Submit legislations at the state level and federal levels to adopt laws allocating more powers to native administration and also the application of customary law.	North, South, East West, Central Darfur

TWG (#) Objectives	Ranked Priorities/Needs	Outputs/Activities	Indicative costing of Outputs (a) in USD	Instruments		Timeframe** FA, ST, LT	States
				TA, Policies, Programs, Peace Div. Projects, etc	Costs subset of #(a) (USD)		
<p>3. Support and empower the DDPA Commissions mandated to deliver justice and reconciliation and enhance their coordination with Rule of Law Institutions.</p>	<p>3.1. DDPA Commissions are established (i.e. Human Rights Commission, Darfur states commissions, Truth, Justice and reconciliation, Land) are established independent and autonomous .</p> <p>3.2 DDPA Commissions working in harmony and coordination with the formal and informal justice system.</p> <p>3.3. DPPA Commissions able to settle disputes and violations through formal and informal mechanisms</p> <p>3.4. DDPA Commissions are empowered and protected and operating with transparency and autonomy to deliver its mandate.</p>	<p>3.1 Provide technical support for DDDP Commission with regard to their justice mandate.</p> <p>3.2 provide training for DDDP commissioners appointed to various commissions to understand their mandate and be familiar with best practices of other jurisdictions</p> <p>3.3 Support the DRA to strategize its relationship with the DDPA Commissions</p> <p>3.4 provide a forum for coordination of the three justice sectors: formal, informal and DDPA bodies to coordinate jurisdiction in order to avoid conflict of mandate.</p>	<p>3.1.: Implementation mandates: 2,000,000 per State = 10,000,000 USD</p> <p>3.2.: Investment human capacity = USD 1,000,000 per State = 5,000,000 USD</p> <p>3.3.: 500,000 USD</p> <p>3.4. Support to coordination: 1,500,000 USD</p> <p>Total: 17,000,000 USD</p>	<ul style="list-style-type: none"> - Studies - Consultations - Policies - Consultancy 		<p>FA</p> <p>Immediate ratification of the DDDP into the Interim National Constitution (INC 2005)</p> <p>ST</p> <p>Define powers, rules, mandate of DDDP Commissions and other formal and informal justice institutions.</p> <p>2. Design strategies, plans, harmonization with formal justice institutions</p>	<p>North, South, East, West, Central Darfur</p>

Whatever is applicable in the DPA and DJAM 2006 Documents is complemented by the DDDP

Costing of Instruments is to be done as a subset/portion of the overall costing of the Outputs. These funding requirements are particularly necessary for the Foundational Activities (FAs) if they are to be seen as an early dividend of the Peace process, and be able to start as soon as possible after the conference.

**** FA** – refers to Foundational Activities that need to start within 6-months (targeting community surveys, skill enhancement etc.) as they are crucial to recovery preparation. **ST** - refers to Short-term activities that should be implemented and completed within 24 months. **LT** - refers to long-term activities that are to be implemented during the agreed framework of 6 years

NB: Milestones will be developed as part of the eventual log frame

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