

## Minutes of Project Board Meeting

Project Title: Access to Justice and Rule of Law

Date and Time: 29 March 2016, 10:00 a.m. – 1:00 p.m.

Venue: UNDP Eric de Mul Conference Hall

### In Attendance:

<u>Name</u>	<u>Organization</u>	<u>Title</u>
Gen. Makur Marol	Mol (SSNPS)	Inspector General of Police (IGP)
Hon. Jeremiah Swaka Moses Wani	MoJ	Undersecretary
Justice Kukurlopita Marino Pitia	JoSS	President of Court of Appeal, Equatoria Circuit
Mr. Daniel Justice Boulu	Mol (SSNPS)	Director of Moral Orientation and Public Relations
Brig. Atok Atem Barac	Mol (NPSSS)	Director of Personnel Registration Database
Mr. Martijn Beerthuizen	Embassy of the Kingdom of the Netherlands	First Secretary, Political Affairs, Security and Rule of Law
Mr. Andrew Shuruma	UNDP	Team Leader (acting), Democratic Governance and Stabilization Unit
Surendra Sharma	UNDP	Chief Technical Advisor to Mol (SSNPS and NPSSS)
Mr. Rowland Cole	UNDP	Chief Technical Advisor to MoJ and JoSS
Mr. Kennedy Chibvongodze	UNDP	Head of PPSU
Ms. Julie van Dassen	UNDP	Project Manager
Ms. Dhanashree Karmarkar	UNDP	Capacity Building Specialist Police and Prisons
Ms. Niki Frencken	UNDP	Access to Justice Technical Coordination Specialist
Ms. Zvisineyi Hwede	UNDP	Finance Specialist
Mr. Vicent Museke	UNDP	Rule of Law Officer
Mr. Christopher Buwule	UNDP	Law Enforcement Advisor
Mr. Stephen Wani	UNDP	Project Officer

### Excused absence:

<u>Name</u>	<u>Organization</u>	<u>Title</u>
His Lordship Justice Chan Reec Madut	JoSS	Chief Justice
Justice Benjamin Baak Deng	JoSS	Director of Training and Research
Hon. Filberto Mayuot	MoJ	Prosecutor General
Gen. Henry Kuany Aguar	Mol (NPSSS)	Director General

Lt. Gen. Samir Kahnis Suleimon	Mol (NPSSS)	Deputy Director General
Mr. Koji Ito Ssentongo	Embassy of Japan	Economic Affairs and Development
Ms. Thereze Bongard	Embassy of Norway	Political Officer
Mr. Joseph Palato	DFID	Justice Advisor
Mr. Jean Luc Stalon	UNDP	Deputy Country Director (Programme)
Mr. Lealem Berhanu Dinku	UNDP	Team Leader, Democratic Governance and Stabilization Unit
Mr. Tom Ogwal	SUTCO	Executive Director

Agenda:

1. Opening remarks from the Chair (MoJ)
2. Project Progress Report (2015)
3. 2016 Annual Work Plan (AWP)
4. Disposal of Project Assets
5. Annual Rule of Law Forum
6. Mid-term Evaluation
7. Any Other Business

Minutes:

Minute <sup>1</sup>	Issues	Decision/Action point	Responsibility	Time Frame
03/2016/007	<p><u>Opening remarks by the chair:</u></p> <p>The chair (MoJ) opened the meeting by expressing his appreciation to all stakeholders involved with the Access to Justice and Rule of Law (A2J/RoL) project.</p> <p>Remarks by co-chair (UNDP): the representative of UNDP expressed his appreciation to all attendees and reviewed the annotated agenda.</p>	Meeting opened.		
03/2016/008	<p><u>Approval of minutes from 01 October 2015 Project Board meeting:</u></p> <p>The minutes of the Project Board meeting held on 01 October 2015 will be reviewed for adoption during the next Project Board meeting.</p>	Review the minutes of the Project Board meeting held on 01 October 2015 during the next Project Board meeting.	UNDP	June 2016
03/2016/009	<p><u>Project Progress Report (2015):</u></p> <p>UNDP's Project Manager for the Access to Justice and Rule of Law project presented the progress achieved in 2015 which is reflected in the 2015 Annual Report.<sup>2</sup></p> <p>Additional remarks to the slides were:</p>	2015 Annual Report approved with the note from The Netherlands that a paragraph should be added about progress achieved at outcome	UNDP	

<sup>1</sup> Minutes are numbered with Month/Year/Number sequentially for all minutes – i.e. numbering continues to next meeting – just month and year may change – for example: 03/09/001 will be March 2009 Minute 1 and 03/10/95 – March 2010 Minute 95.

<sup>2</sup> For details, please see annex 1: PowerPoint presentation "PowerPoint presentation "20160329 A2JRoL PBM Presentation FINAL" For the full report, please see annex 2: "Access to Justice and Rule of Law 2015 Annual Report."

	<p>-Slide 3: UNDP’s Country Programme Document (CPD) was presented to government partners in December 2015. Likewise, it will be presented to development partners during a donor meeting on 30 March 2016.</p> <p>- Slide 4: Where the project does not have staff field presence, it will partner with civil society organisations (CSOs) to expand geographical reach. This will also give an extra dimension to monitoring of the project in terms of external views.</p> <p>- Slide 4: To respond to the changing dynamics and needs in the context following the signing of the Peace Agreement, the project has developed two concept notes: one for the Joint Integrated Police (JIP) (approximately 16 mln USD) and one for Transitional Justice (TJ) (approximately 8 mln USD). Both concept notes are still living documents since some of the absolute needs are still unclear. Normally, UNDP develops one Project Document (ProDoc) which it uses to mobilise resources. Donors can then choose which project components to fund. Given the emergency situation and the manner in which the funds were granted, the current project (2013 – March 2017) does not have one cohesive ProDoc. The current objectives are programmed for March 2017. As such, the two concept notes fall under the current project and donors can fund specific components of the concept notes. UNDP will work on a new ProDoc for post-March 2017 and the components of the two concept notes will feed into the new phase of the project.</p> <p>- Slide 7: the project has received some additional funding from TRAC (UNDP HQ) for transitional justice initiatives. These funds are used to support civil society engagement in transitional justice.</p> <p>- Slide 8: these figures are from December. The MoJ currently a registration rate of 13,848 cases. The JoSS will be expanding the collection of case statistics to states in the first half of this year. The project will be looking to unify the data collection systems that are being set up in the different institutions. This is part of the programme for the Annual Rule of Law Forum.</p> <p>- Slide 9: state-level rule of law forums have been instrumentalised for discussion of the peace agreement and resolutions such as those resulting from the Annual Customary Law Forum and the thematic meeting on the overcrowding of the prison. A reduction in crime has been seen in areas where PCRCs have been set up. These committees have taken crime prevention initiatives such as conducting joint patrols and handing</p>	<p>level.</p>		
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	<p>out whistles to women.</p> <ul style="list-style-type: none"> <li>- Slide 10: In 2016, the project will support the drafting/amending of legislation that will harmonize customary and statutory laws.</li> <li>- Slide 11: the adoption of the ToR of the technical working group at the national level is still pending. At State level, committees are reviewing cases in the prison. DFID will be sponsoring more renovations of the SPUs.</li> </ul>			
<p><u>Discussion on presentation "Project Progress Report (2015)"</u></p> <p>The representative of the Dutch Embassy congratulated the rule of law institutions and UNDP on the impressive achievements made in 2015, especially given the difficulties in the context. He noted that many of the results are at output-level and enquired about the progress on the outcomes of the project, especially given that this is the last year of the project.</p> <p>UNDP responded to the query by stating that 2016 will be a year in which all achievements will be consolidated or scaled-up. For example, the analysis of the ascertainment studies will lead to a policy / guidelines to harmonise the customary and statutory justice systems. In addition, the pre- and post-assessments of trainings reveal a positive immediate impact of the trainings in terms of increasing knowledge of the subject matters. Longer-term impact will have to be measured and look into whether these trainings are contributing to quality and application and enforcement of rules. On the ground, there are some indicators that there is impact. For instance, the state-level rule of law forums (most notably Aweil and Torit) have taken appropriate and systematic measures to reduce arbitrary and prolonged detention. Also worth mentioning is the appointment of women traditional leaders, which will increase the sensitivity to gender needs in the customary justice system. In areas where there are Special Protection Units (SPUs), perceptions of the police have changed for the better. The Police Community Relationship Committees (PCRCs) have contributed to enhanced cooperation between the police and communities and, according to the crime statistics, have been successful in reducing crimes. The vocational training that has just started in the prisons is intended to reduce recidivism. UNDP is currently recruiting a Monitoring and Evaluation Specialist who will strengthen the project's M&amp;E and assess its impact towards achieving the set outcomes.</p> <p>The representative of the Dutch Embassy requested that the 2015 Annual Report include a brief section with the progress of the project on the achievements at the outcome-level. It is important to make the progress visible, especially since the first phase of the project is coming to an end. He also suggested whether it would be possible to add a follow-up to the 2013 access to justice baseline survey to the 2016 Annual Work Plan (AWP) to see whether there has been an impact or not.</p> <p>The Inspector General of Police (IGP) expressed his gratitude to UNDP and all donors for their support, especially to the PCRCs, the Emergency Call Centers (ECCs) and the issuing of the ID cards. He noted that the dormitories that were built with funds from Norway still require the fixing of a fence.</p> <p>The representative of the NPSSS also expressed his appreciation to UNDP and the donors for their support to the issuing of ID cards and the ID-card printing machines and computers (approximately 2,700 have been verified), the continued engagement to reduce the overcrowding of the prisons in the various states, and the vocational training workshop, which is now operational. The representative expressed his hope that in 2016, the fruits of those trainings will be seen and said that the issuing of ID-cards will help verify the accuracy of the payroll, and that UNDP and the donors will increase their support to the NPSSS.</p>				

	<p>UNDP took note of the need to resolve the issue related to the fence and stated that it is looking for opportunities to find a solution through its partners.</p> <p>All board members were satisfied with the 2015 annual report, which was approved with the note that a section on the achievements on the outcomes will be added.</p>			
<p>03/2016/010</p>	<p><u>Presentation of UNDP's 2016 Annual Work Plan (AWP)</u></p> <p>UNDP's Project Manager for the Access to Justice and Rule of Law project presented the projects Annual Work Plan (AWP) for 2016.</p> <p>For more details, please see annex 3: "20160329 Access to Justice and Rule of Law Board Meeting Presentation - 2016 AWP"</p> <p>Additional remarks to the slides were:</p> <ul style="list-style-type: none"> <li>-Slide 2: UNDP's internal planning is based on AWP's. Occasionally, funds will be made available that were unplanned for, which are then transferred into the AWP. In UNDP's new Country Programme Document (CPD), there are two ways of measuring improvement (reference to the two indicators on slide 2). In order to ensure that we measure the same things throughout the duration of the project, the project has maintained the same indicators, but targets have shifted. Ultimately, it is the government partners that are responsible to achieve these targets, and UNDP will assist, so it is important to share them and agree whether they are achievable and realistic.</li> <li>-Slide 4: funds have been given to CSOs to run Justice and Confidence Centers (JCCs), legal aid and PCRCs.</li> <li>-Slide 5: Support to legal aid is currently given exclusively through grants to CSOs, no support is given to the Ministry of Justice (MoJ).</li> <li>- Slide 6: On 24 March 2016, Japan committed funds support to the police and the JIP.</li> <li>- Slide 7: the ECC perception survey will gauge the public's perception on the emergency response that is provided and generate recommendations for improvement that will be used to support the ECC in Juba and Wau.</li> <li>- Slide 10: UNDP HQ (TRAC) has provided seed funding for continued support to transitional justice. UNDP invests in the running of the civil society Transitional Justice Working Group (TJWG), support victim groups, the development of transitional justice mechanisms, the development of a toolkit, and a strategic plan for</li> </ul>	<p>The Access to Justice and Rule of Law Project's AWP for 2016 was adopted by all board members.</p>		

	<p>the TJWG.</p> <ul style="list-style-type: none"> <li>- Slide 11: the South Sudan Law Review (Reform) Commission submitted a request for UNDP to support them in reviewing legislation.</li> <li>- Slide 13: UDNP will focus on connecting all case management systems together, so that an individual can be traced throughout the criminal justice chain. The budget for 2.1.2 includes all operational costs for the work done in the states. UNDP is exploring options to place solar panels to ensure that the systems are sustainable and not dependent on the ability to get fuel and have generators.</li> <li>- Slide 14: the printing of the JoSS forms has been undertaken, but the need remains from previous years.</li> <li>- Slide 16: UNDP HQ (TRAC) has provided seed funding for a pilot mobile court initiative (for the reduction of prolonged and arbitrary detention) with the view to generate best practices. This will be done in close cooperation with the relevant institutions, civil society (legal defense) and other international organisations involved in mobile court initiatives, such as the British Council and IDLO.</li> <li>- Slide 21: Research will be conducted to support rule of law institutions in finding alternatives to custodial sentences.</li> <li>- Slide 23: 4.2.4: office equipment will be provided so that that office can become functional.</li> <li>- Slide 27: 4.5.1 – the budget is allocated to M&amp;E to improve how we monitor the progress of the project.</li> <li>- Slide 28 4.6.1 – this is an additional activity result that deals specifically with the JIP and will be supported with Japanese funding.</li> </ul>			
<p><u>Discussion on UNDP's 2016 Annual Work Plan (AWP):</u></p> <p>The IGP made three remarks:</p> <p><i>ECCs:</i> can the ECCs be extended to other towns (Aweil, Rumbek, Bentiu, Malakal, Yambio and Torit) as well in 2016.</p> <p><i>JIP:</i> support for training of JIP in human rights, with a focus to transform mindsets from war to peace. He explained that the USA has commenced with digging boreholes and latrines in preparation of the arrival of the JIP in Rajaf. SSNPS is still looking for tents to accommodate the police officers.</p> <p><i>Mobile courts:</i> the backlog of cases is particularly high in the Bahr el Ghazal region. SSNPS welcomes UNDP's initiative to coordinate with the MoJ and JoSS and support mobile courts.</p> <p>The representative of the NPSSS confirmed the need for immediate action to be taken to reduce the overcrowding of the prisons. He added that he has brought the matter to the attention of the Chief Justice in an attempt to increase the swiftness of trials. He also highlighted the severe problem of the NPSSS not being able to feed the inmates and that contractors are not being paid due to a lack of funds. He expressed hope for the mobile courts to speed up the trial and reduce the number of people in detention. He confirmed NPSSS's support to</p>				

continue the collection and publication of inmate statistics and concluded with an appeal for more training of prison staff. The representative of the NPSSS also made the suggestion to include support to the training center in Lologo in the AWP for 2016.

UNDP appreciated the responses and made a commitment to mobilise more resources to enable follow-up to the mobile court pilot. UNDP gave the following response to the IGP's remarks:

*ECCs:* the current expansion plan will upgrade Juba ECC as a national technical hub having potential to activate ECC anywhere in South Sudan. Funding requests are prioritized for this. The expansion of the ECCs can be catered for within the context of the support to the JIP. German funds may allow the expansion of the ECCs to Bor.

*Trainings for JIP:* Human Rights training is part of the current support to JIP and UNDP will be able to conduct trainings for the JIP.

*Mobile courts:* UNDP has commenced discussions with the JoSS on the mobile courts. The campaign will involve all relevant rule of law actors, be in a geographical location that necessitates the most attention, be accompanied by an awareness-raising campaign for the population, and make use of templates to measure the success and progress of the campaign.

The next phase of the project will consider the ECCs and mobile courts as priorities. All partner institutions have many needs and we need to allocate resources wisely to meet the most important needs. UNDP is committed to continue to expand and will request your advice from its partners in doing so.

The representative of the JoSS appreciated the support by UNDP and the donors and made the following remarks:

*Mobile courts:* the representatives recognized the importance of mobile courts and described them as the only solution for the problem that the JoSS is currently facing. The JoSS has a lack of judges, especially in the face of the pressing need for the delivery of justice. Specific geographical areas with a lack of JoSS presence are the Upper Nile and Bahr el Ghazal regions. Efforts were undertaken to reduce the backlog of cases by establishing mobile courts in Gudele and Juba Central Prison. However, the courts have many problems and are not operating effectively.

*Case management:* the representatives underlined the urgent need to support the establishment of a case management system in the JoSS. Despite past efforts, the JoSS is not in a position to know all the case statistics (including types) of all the courts. This requires urgent attention and is connected to the reduction of case backlog. The representative appealed UNDP to increase support to the case management system of the JoSS.

*Printing of JoSS forms:* the representative appreciated UNDP's commitment and requested that UNDP print the judiciary forms that are pending.

*M&E:* the representative of the JoSS supported the establishment of a monitoring and evaluation system for support given to institutions in order to assess whether the facilities that have been provided are used in the manner in which they were intended.

The chair (MoJ) reminded all board members of the inherent difficulties in a post-conflict environment in which all systems and structures have been destroyed, which is a reason for the widespread lack of capacity in the country. He pointed out the medicinal nature of mobile courts and that they can be effective to solve a particular disease in a particular time, and that mobile courts are not needed in a well-established system. The chair made reference to a previous meeting at UNDP during which a discussion was held about backlog of cases and mobile courts. He pointed out that the MoJ and JoSS had not understood the function of mobile courts very well and established mobile courts for the general reduction of people in prison, whereas the courts should operate based on specific lists of cases. He gave an example of when he worked as a magistrate in Maridi in 1987 and was sent to Yei to adjudicate specific murder cases. He was provided with a special room and was appointed specific support staff to deal only with those 5 identified cases. In addition, he pointed out the need for mobile courts to be *mobile*. The

chair expressed the need to hold a meeting with stakeholders to address the issues of mobile courts and come up with a joint approach. He pointed out the urgency of the matter by pointing out that inmates are sleeping in shifts in the prisons due to lack of space. He pointed out that a mobile court campaign must be done in cooperation with other interventions such as addressing the issue of the lack of judges, the lack of capacity, and the occurrence of arbitrary arrests. Regarding the latter, the Chair pointed out that multiple actors are arresting people, whereas it should only be done by the SSNPS. The latter should be addressed by a comprehensive policy and strong case management systems.

The Chair acknowledged the plethora of needs in all the institutions and reminded all that UNDP does not have infinite resources and that the allocation needs to take into account what is important in a particular period of time.

The Chair referred to the Annual National Rule of Law Forum and the state level rule of law forums and expressed the need to come up with a good strategy to link the two. It is important that a mechanism is put in place for the state-level forums to feed up useful information and recommendations for the national level.

He also called upon UNDP to share the outcomes of the ascertainment studies, especially with the JoSS so that the judges can use them for guidance since customs are a source of law. He continued to recall good interactions between customary and statutory courts and pointed out that this linkage has now been broken by the war. He requests that UNDP reviews the re-linking of the two systems and is glad to have started this discussion with the Chief Technical Advisor. He expressed his hope that this discussion is also to be seriously held with the JoSS and the Local Government Board. The JoSS is the institution to issue a warrant for each customary court and to describe the jurisdiction. If this could be done, the JoSS would know how many customary courts there are in the country and which cases are dealt with. In addition, the Chief Justice has the power to create specialized courts. This could help the referral of cases and reduction of case backlog.

UNDP appreciated the Chair's suggestions and recommendations and commented that most of them feature in the AWP so that they will be acted on. The commitment was made to take these suggestions forward in a very coherent manner.

With regards to the mobile courts, UNDP was encouraged to hear the interest amongst the institutions to work on a strategy for this. UNDP intends to work with all institutions and also international organisations (for example, the British Council) to formulate a uniform system and approach that is evaluated continuously.

The Chair concurred and suggested to also invite other interested parties to the roundtable on mobile courts including IDLO and DFID to that all can unify the approaches and pool resources.

UNDP informed the board members that preliminary discussions on mobile courts had taken place with the British Council. UNDP foresees that in the immediate future, the mobile court pilot project would function as a knowledge base for other international partners.

The Chair put forth the suggestion that all justices and judges, with the exception of the Chief Justice, operate as judges of all levels including magistrates for at least two weeks to reduce the backlog of cases, particularly in Juba. The Chief Justice could give an order for a certain period to this effect.

The representative of the JoSS stressed the severity of the lack of judges and that all judges already serve two courts. The number of judges needs to be increased drastically and urgently.



	<p>In response, UNDP suggested temporary appointments of all practitioners.</p> <p>The Chair suggested that UNDP call a meeting to address the lack of judges in the country and find solutions.</p> <p>UNDP concluded the discussion on the AWP by explaining that, once adopted, it becomes a legal document. It is possible to make revisions to it, but these need to be presented and accepted by the project board.</p> <p><b>The Access to Justice and Rule of Law Project's AWP for 2016 was adopted by all board members.</b></p>			
03/2016/010	<p><u>Disposal of Project Assets</u> See annex 4: 2015 List of Assets for Disposal.</p> <p>UNDP's Access to Justice and Rule of Law Project Manager explained that the assets on the list can be auctioned. The funds generated by the auctioning are then recycled into the project. The project board needs to approve that these assets can be disposed of. The vehicles have undergone internal assessments (either internal or external mechanics). The result was that the anticipated high costs of repair do not favour donation of the vehicles to partners.</p> <p>A discussion followed whether to auction or donate the assets and ended in the decision to auction the assets.</p> <p>The project board approved the disposal of the project assets on the presented list.</p>	<p>The project board approved the disposal of the project assets on the presented list.</p>		
03/2016/011	<p><u>Annual Rule of Law Forum</u> The project board resolved to organize the Annual Rule of Law Forum on 27 and 28 April 2016.</p>	<p>The Annual Rule of Law Forum will be held on 27 and 28 April 2016.</p>		
03/2016/012	<p><u>Mid-term Evaluation</u> UNDP's Access to Justice and Rule of Law Project Manager presented the three main recommendations from the mid-term evaluation as UNDP's management responses.</p> <p>For details, please see annex 5 PowerPoint presentation "20160329 Mid-term Evaluation Recommendations" and annex 6 "RoL A2J Mid-term Evaluation Report."</p> <p>The project board members were satisfied with the recommendations and management responses.</p>	<p>No action required.</p>		
03/2016/013	<p><u>Any Other Business</u> No AOB was raised.</p>			

Resolutions of the Board:

<b>Resolution</b>	
Approval of 2015 Annual Report.	Approved with suggestion
Approval of 2016 Annual Work Plan.	Approved
Disposal of project assets	Approved
Annual rule of law forum	27-28 April 2016
Next project Board Meeting	June 2016

Next Meeting:

June 2016

Eric de Mul Conference Hall

There being no other business, the meeting closed at: 1:00 p.m.

Chairperson: SIGNATURE

Secretary: SIGNATURE

**Annex 1:** PowerPoint presentation "20160329 A2JRoL PBM Presentation FINAL"

**Annex 2:** Access to Justice and Rule of Law 2015 Annual Report

**Annex 3:** PowerPoint presentation "20160329 Access to Justice and Rule of Law Board Meeting Presentation - 2016 AWP"

**Annex 4:** 2015 List of Assets for Disposal

**Annex 5:** PowerPoint presentation "20160329 Mid-term Evaluation Recommendations"

**Annex 6:** RoL A2J Mid-term Evaluation Report