



# ***NARRATIVE REPORT 2010***

## ***Africa Legal Aid (AFLA)***

**MAKING HUMAN RIGHTS A REALITY**

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**Africa Legal Aid**

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**Making  
Human Rights  
a Reality**

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AFLA was first registered in 1995 as a Foundation and has offices in Accra, The Hague, and a registered office in South Africa.

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### AFLA Distinctions

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Observer Status with the African Commission on Human and Peoples' Rights

Observer Status with the United Nations International Criminal Tribunal for Rwanda

## Vision and Mission

Africa Legal Aid (AFLA) is a Pan African NGO dedicated to promoting and protecting individual and collective rights throughout Africa and challenging the impunity of gross human rights violators. AFLA provides leadership and support to key institutions and organizations working for respect and recognition of human rights. Africa Legal Aid addresses issues affecting the contemporary legal and political culture of the African continent. It is a culture of massive human rights violations across the board; from violations of personal security rights and barbarities such as genocide, war crimes, and crimes against humanity. But they also include economic crimes and the most insidious violations of core economic, social and cultural rights. AFLA is of the view that the African human rights landscape cannot be improved unless the culture of impunity and unaccountability is reversed. For this reason, the legal culture has to be corrected and reformed. At the core of AFLA's activities and mandate therefore is the push for progressive human rights jurisprudence. AFLA seeks to create opportunities through which legal institutions in Africa (judiciaries, private bars, ministries of justice and attorneys-general, human rights groups, and the regional human rights system) can germinate norms and practices that abhor human rights violations.

Since its establishment more than a decade ago, AFLA has fulfilled its mission of ***Making Human Rights a Reality*** for Africa and its people by strengthening justice sectors including Civil Societies, Women's Groups, the Judiciary, Legal Fraternities, African Regional Human Rights Machinery, among others. To ensure maximum impact, AFLA has shared its expertise with International bodies mandated to promote accountability and end impunity in Africa and elsewhere by sensitizing them to much needed African Perspectives on Human Rights and International Justice. In this connection AFLA has worked closely with the International Criminal Court (ICC) since the Court's establishment in 2003, and with the United Nations International Criminal Tribunal for Rwanda (ICTR), since 2000. Furthermore, through its platform in The Hague, International Legal Capital, AFLA engages Civil Societies and Legal Fraternities from the Global North in its efforts to contribute much needed African perspectives on international justice.

The tools AFLA uses to execute its multiple tasks include, Capacity Building Trainings, Selected and Targeted Legal Assistance, Publication of its "Flagship journal" and Book Series, South/North Dialogues, and a Gender Justice Forum. First established in the Netherlands, AFLA's platform in this international legal capital has been used to spearhead contribution of much needed African perspectives to international justice. AFLA's on-going Gender Justice Campaign has established the Gender Network Forum, steered by a Steering Committee of Gender Experts, to contribute African Perspectives to Gender Justice an address marginalized and undertreated forms of Gender based Violence, in order to expand the list of offenses that constitute Gender Crimes. AFLA is intensifying its activities on International Criminal Justice to incorporate issues of real and practical significance in Africa in the evolving regime of International Justice. A Steering Committee of Human Rights and Justice luminaries has been established for this purpose. The Committee will prepare a Policy Agenda for International Justice to be used for advocacy and lobbying initiatives in Africa and elsewhere.

## Africa and the International Criminal Court

### Introduction:

Under the Statute of the International Criminal Court (ICC), also called the Rome Statute, it is first and foremost up to national courts, not the ICC, to hold perpetrators of international crimes accountable. Unfortunately, too many States, and in particular those where the gravest atrocities are committed, are either unwilling or unable to hold perpetrators accountable. Currently, all five cases before the ICC - Democratic Republic of Congo (DRC), Central African Republic (CAR), Uganda, Sudan, and Kenya- originate from Africa, hence subjecting the Court to accusations that it is biased against Africa. At the same time it is widely acknowledged that victimization of Africans has been widespread, and that these cases represent precisely the kinds of situations the Court was established to address: the most serious crimes of concern to the international community. Yet there is much misconception and little understanding about the mandate and activities of the ICC in Africa. This affects the legitimacy of the International Justice System, support for it, and its effects.

Africa Legal Aid has been at the forefront of addressing the complex issues posed by international justice. It has sought to increase accessibility of the ICC to human rights and justice sectors in Africa. As well, AFLA has spearheaded efforts to incorporate African perspectives in the global campaign to promote accountability and end impunity for gross human rights violations.

Accordingly, in 2010, AFLA undertook the following activities on International Criminal Justice:

- ***The South-North Dialogue on The Al-Bashir Arrest Warrant: The World vs. Africa or the African Union vs. the People of Africa? 26 April 2010, The Hague***

In April, 2010, as a prelude to the first Review Conference of the International Criminal Court (ICC), Africa Legal Aid (AFLA), convened a South North Dialogue, in The Hague, on the theme: ***The Al Bashir Arrest Warrant: The World vs. Africa or the African Union vs. the People of Africa?***

One of the highlights of the meeting was a two-hour dialogue with the ICC Prosecutor, Luis Moreno-Ocampo. It was a politically charged but necessary engagement with human rights and justice advocates, members of the legal fraternity, and international justice community.

The objective of the Dialogue on The Bashir Arrest Warrant was to explore the South/North dimensions of the emerging regime of international criminal justice, and discuss the views of both proponents and opponents of the actions of the ICC. As well, the Meeting aimed at addressing the views of a third school of thought, who, while supporting international criminal justice, expresses concerns that its application may not be universal. This Dialogue also served to stimulate discussion on unsettling issues on the interface between peace and justice as well as the legitimacy of international criminal justice. The ultimate goal really was to contribute to an international justice regime that is, and perceived as legitimate, inclusive and effective.



H.E. Luis Moreno Ocampo, Prosecutor

The Dialogue turned out to be a major success, graced by the attendance of ICC Prosecutor H.E. Luis Moreno Ocampo who gave the keynote address. The event attracted approximately 150 participants from a diverse background: high-level government officials, scholars, human rights and justice advocates, civil society representatives, members of the legal fraternity and the international justice community, and students. As

well, various Northern and Southern countries were represented, including The Netherlands, Denmark, Uganda, Kenya, South Africa, Sierra Leone, to mention but a few. Some additional key figures attending this



Dialogue include Commonwealth Deputy Secretary-General, Mmasekgoa Masire-Mwamba, Ambassador Paul Wilke, of The Netherlands ICC Task Force; and H.E. Judge Abdul G. Koroma of the International Court of Justice (ICJ).

The meeting also featured cutting-edge presentations and panel discussions exploring the challenges and opportunities of the international criminal justice regime and Africa's relation to it. The varied expertise and experiences of the participants enriched the quality of the deliberations largely centered on the Realities and Challenges of International Justice in Africa, and whether Africa is a Participant or a Target of International Justice.

Prof. Erika de Wet, H.E. Judge Abdul G. Koroma and Charles C. Jalloh

The Meeting's objectives were fully met and its impact was widespread. With some 150 participants attending

from a wide range of disciplines and representing a large number of Northern and Southern countries, AFLA succeeded in engaging all participants in dialogue on the evolving regime of international criminal justice and its relevance to Africa. As a result, awareness was raised both within the Global North and among Southern stakeholders. The outcomes of the Meeting were further disseminated through AFLA's E-Reporter on Human Rights and International Justice, reaching an additional 5,000 direct beneficiaries on AFLA's e-mail address data, and many more indirect beneficiaries. Several participants have joined AFLA's growing and conscientious network of people constantly engaged in discourse on international justice, and will continue their engagement particularly through an Interactive justice website soon to be established under the auspices of AFLA. A further important outcome brought about by this Dialogue was the development and furtherance of AFLA's Policy Agenda for International Justice. A full Conference Report can be obtained at [www.africalegalaid.com/resources](http://www.africalegalaid.com/resources).



Prof. Shadrack Gutto and H.E. Mirjam Blaak

- ***Africa and the International Criminal Court, 28-29 May, Kampala***

To commemorate the first Review Conference of the International Criminal Court (ICC), in Kampala, Uganda, Africa Legal Aid convened a series of activities to raise awareness on contemporary issues of international justice of real and practical significance to Africa. The timing of the activities was opportune as African and International Civil Societies, Legal Fraternities, Gender Groups, and other stakeholders were present in Kampala for the ICC Review Conference. The first Forum, a Workshop entitled, ***On the Shores of Lake Victoria*** addressed issues on the agenda of the Review Conference including: Definition of the Crime of Aggression; Interface between Peace and International Justice in Africa; Gender Justice, and the Recurring Question: Is Africa a Participant or Target of International Justice?

The Meeting built on AFLA's longstanding activities aimed at pushing for progressive development of international criminal justice incorporating issues of real and practical significance for Africa.



Participants during the Conference

The Conference attracted over one hundred participants including the President of the ICC who delivered the Keynote Address; the Prosecutor of the ICC; the President of the Assembly of State Parties (ASP) to the ICC; the Chief Justice of Uganda, judges and other officials of the newly established War Crimes (WCD) of the High Court of Uganda, officials of the Uganda government, the diplomatic community, academics, human rights and justice advocates, civil society representatives, members of the legal fraternity and the international justice community, as well as students. AFLA enlisted a world class faculty of Speakers from renowned international legal scholars and academics to opinion leaders in African communities.



Panelists for the Theme "*Is Africa a Participant or Target of International Justice*"

The Meeting had many notable features, particularly the Panel Discussion on the theme: ***Is Africa a Participant or Target of International Justice*** chaired by Hon. Benjamin Odoki, Chief Justice of Uganda. One participant observed that AFLA could not have identified a better panel of speakers. He was referring to the following distinguished panelists: H.E. Fatou Bensouda, Deputy Prosecutor of the International Criminal Court; Prof. Shadrack Gutto, Director of the Centre for African Renaissance Studies of the University of South Africa; and Prof. Tiyanjana Maluwa, School of International Affairs and Dickinson School of Law, Pennsylvania State University. The discussions centered on why the ICC was only prosecuting African cases when atrocities are being committed in other parts of the world. The explanation was that, with the exception of Kenya, 'referred' by Kofi Annan, the cases were either referred by State Parties, as with Uganda, or the UN Security Council, as with the Darfur situation<sup>1</sup>. Prof. Gutto opined, as he has done on other occasions, that the UN Security Council is undemocratic and outdated in terms of the permanent members with veto powers, and reiterated his calls for Africa to have a permanent seat on the Security Council. After all was said and done, it is probably the concluding statement of the ICC Deputy Prosecutor that resonates with many. She said: "I have made my choice. I choose for the victim, and for that, I do not apologize". For a full report of the Workshop, visit [www.africalgalaid.com/resources](http://www.africalgalaid.com/resources).

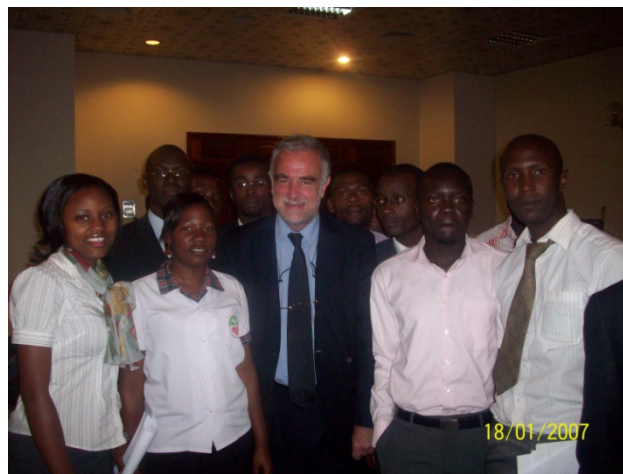
At a networking Reception following the Workshop, a Special edition of the AFLA Quarterly: ***On the Shores of Lake Victoria: Africa and the ICC Review Conference*** (with lead article by Prof. Leila Sadat, Chair of the Crimes

<sup>1</sup> More recently, in February, 2011, the U.N. Security Council referred the Libyan situation to the ICC.

against Humanity Initiative of the Washington University School of Law<sup>2</sup> was launched by United Nations Assistant Secretary-General, H.E. Adama Dieng who praised AFLA for its relentless efforts to make African issues visible on the international agenda.

This edition of AFLA's flagship journal addressed topical issues of International Justice including Implementing Victim's Rights and the Role of Victims in the Globalization of Justice; the Role of the ICC and the AU in Reducing the Impunity Gap; Complementarity and the Uganda War Crimes Court; and the AU and the Report of the Mbeki Panel on Darfur.<sup>3</sup>

To engage the youth and students, AFLA dedicated a side Program to the screening of **The Reckoning**, a film on the activities and challenges of the ICC. The viewing of the Documentary attracted over two hundred people including students from five different universities in Kampala. Afterwards, they had an opportunity to interact with the ICC Prosecutor and other experts and resource persons on hand. This engagement with the youth had the practical effect of demystifying international justice and bringing it closer to people. Indeed, part of the documentary was on Northern Uganda, and some viewers testified about their first hand experiences of having lived in terror of the Northern Ugandan Conflict.



H.E. Luis Moreno Ocampo surrounded by Ugandan students

- ***Engagement with the Commonwealth Secretariat in its Meeting on the International Criminal Court (ICC)***

To reflect on, and carry forward the lessons from the First Review Conference of the International Criminal Court (ICC), AFLA served as resource to the Pilot Meeting of the Commonwealth Secretariat, held in London, in the first week of October 2010, with representatives from Commonwealth countries from Africa, Asia, The Americas, The Caribbean; Europe; and the South Pacific. Other stakeholders including high level officials of the International Criminal Court, the European Union, and the International Bar Association participated in the Meeting. AFLA's involvement was significant since Africa is the largest regional block on this inter-governmental body. AFLA's intervention naturally was on Africa, and contemporary international justice issues of particular significance for Africa.

The topics addressed involved: Supporting the International Criminal Court (ICC) and Promoting the Rule of Law through Capacity Building; Outcomes of the First Review Conference of the ICC Relevant to Common law States; Review of the Status of Ratification and Implementation of the Rome Statute and other International Humanitarian Law Obligations within the Commonwealth Membership; Sharing Best Practices in the

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<sup>2</sup> Prof. Leila Sadat is currently the Henry H. Oerschelp Prof. of Law, Director of the Harris World Law Institute and the Alexis de Tocqueville Distinguished Fulbright Chair, University of Cergy – Pontoise.

<sup>3</sup> For more information on this edition of the Quarterly or generally on AFLA Publications, visit [www.africalegalaid.com/publications](http://www.africalegalaid.com/publications).

Commonwealth; Challenges facing Commonwealth States in Ratifying and/or Implementing the Rome Statute; The Commonwealth Model Law on Implementation of the Rome Statute and Discussion of Proposed Revisions; The Commonwealth Practical Guidance on Prosecuting Crimes under the Rome Statute and Discussion of Proposed Revisions; Developing an Accession Kit for Commonwealth States Seeking to Ratify the Rome Statute; Strategies for Promoting Ratification and Implementation of the Rome Statute in Commonwealth States; and last but not least, Positive Complementarity and Building National Capacity to Prosecute.

As a result of this engagement, Africa Legal Aid, in cooperation with the Commonwealth Secretariat will convene a Pan-African Workshop to engage the African Union and sub-regional bodies in critical dialogues on the International Criminal Court.<sup>4</sup>

- ***Engagement with the International Center for Transitional Justice (ICTJ) in its ICC Complementarity Retreat***

The Review Conference of the International Criminal Court resulted in fruitful discussions on some of the key issues on complementarity and the need to strengthen domestic justice systems to try international crimes. To build on these results, the International Centre for Transitional Justice (ICTJ) convened a Brainstorming Session with high Level Actors from the International Justice and the Rule of Law Sectors to discuss specific ideas on what national jurisdictions actually need in terms of support and development and a much clearer understanding of the roles states parties and others should play. This Meeting held in New York in the last week of October was attended by high profile international, regional and development partners including the United Nations; ICC State Parties from Europe and the Americas, and the ICC Situation countries of Uganda and Kenya; and other influential stakeholders including the United States

The Meeting addressed Complementarity from a wide range of perspectives including: Complementarity from the Ground; Complementarity in Practice drawing lessons from the International Criminal Tribunals for the Former Yugoslavia (ICTY), and Rwanda (ICTR), the Special Court of Sierra Leone (SCSL), Latin America, the Democratic Republic of Congo (DRC), and current situations including views from Uganda, Kenya, and the Donor Community. Africa Legal Aid was assigned the task of engaging from the Perspectives of Civil Society.

Like the earlier engagement with the Commonwealth Secretariat, AFLA's participation in this important meeting preceding the ICC Review Conference provided opportunity to sensitize major stakeholders from the Global North on African views and African concerns, on international justice, in order to incorporate African perspectives in the evolving regime of International Criminal Justice.

- ***Engagement with the Africa Human Rights Consortium***

Recognized for its educational mandate, Africa Legal Aid is often called upon by many institutions in Africa to participate in training of human rights practitioners. In July, 2010, AFLA participated in the Training and Mentoring of the next generation of Africa's human rights advocates and researchers through the Africa Human Rights Consortium's Advanced Human Rights Advocacy Program in Gaborone, Botswana. AFLA's intervention focused on Increasing Understanding on the Work of the International Criminal Court. As well, AFLA provided background information on Africa's regional human rights machinery, the African Commission and Court.

Participants were quite conversant with the workings of the African regional human rights system whose activities are not as effective as one would have hoped largely due to a lack of political will by the African Union (AU) and its member States. The challenge therefore was to devise strategies to make State parties more responsive to their obligations under Africa's Human Rights Treaties.

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<sup>4</sup> The Workshop on the theme: **The International Criminal Court in a Politically Divided World: Engaging the African Union and sub-regional Bodies** will be held from 21-22 October to coincide with Africa Day of Human Rights.

What was striking was the degree of misconception about the mandate and functioning of the International Criminal Court among human rights and justice networks in Africa. Many were almost dismissive of the ICC due to the perception that it was targeting Africans. Yet it was clear from the training on the African Systems that wide spread atrocities in Africa are hardly addressed in other forums leaving victims of human rights violations with no recourse.

This reinforced the need to intensify efforts to increase accessibility of African human rights and justice networks to the work of the ICC and the evolving regime of International Criminal Justice. Participants signed up for Africa Legal Aid's Electronic Reporter on International Justice. As well, they will soon be engaged in AFLA's forthcoming Interactive Justice Website. And in relation to Africa Legal Aid's current Program on "Africa and the International Criminal Court" no effort will be spared to engage the next generation of human rights advocates in our quest to establish a conscientious network of human rights and justice advocates, constantly engaged in promoting accountability and ending impunity for gross human rights offenses.

- ***ICC Complementarity Workshop in Kenya, Nairobi, 3-4 December, convened in cooperation with the Kenyan Section of the International Commission of Jurists (ICJ Kenya), Institute for Security Studies (ISS), and Kenyans for Peace, Truth and Justice (KPTJ)***

As AFLA's Executive Director Evelyn Ankumah has observed, "The Complementarity Principle teaches that it is first and foremost up to national Courts, not the International Criminal Court (ICC), to hold perpetrators of international crimes criminally accountable. Unfortunately too many states, in particular those where the gravest atrocities are committed, are unwilling and/or unable to hold perpetrators accountable. Strengthening the ICC and increasing its resources is desirable. Yet arguably more important is the need to increase the capacities and willingness of state parties to take responsibility<sup>5</sup>".

Consequently, AFLA aims to build capacity of civil society groups, particularly those in countries and regions where human rights and fundamental freedoms are most at risk and those in which the ICC is currently investigating international crimes.

The **ICC Complementarity Workshop's** goals were to build on AFLA's ongoing activities on International Justice and its Gender Justice Campaign, and to engage African civil societies, legal fraternities, gender groups and policy makers in critical dialogues on Africa and the ICC, and more generally on Africa and international justice. Is the ICC a Court of Last or First and only Resort? The Workshop aimed to increase accessibility to and understanding of the work of the International Criminal Court and support the ICC with its outreach programs in countries where it is investigating international crimes, share information on human rights and justice developments in Africa, and build effective partnerships to promote accountability and end impunity in Africa.

The Meeting was graced by the presence of H.E. Amos Wako, Attorney General of Kenya, Hon. Betty Murungi of the ICC Victim's Trust Fund, Mr. Akbar Khan, Director of Legal and Constitutional Division of the Commonwealth Secretariat, Mr. Donald Deya, CEO of the Pan African Lawyers' Union, and the Africanist Human Rights Scholar and Advocate, Prof. Shadrack Gutto among others. The two-day Workshop was attended by over 150 participants from a wide variety of backgrounds, disciplines and countries.

The Conveners of the Workshop enlisted a faculty of Experts and Resource Persons to share their knowledge and expertise. Some of the issues addressed include how national systems in ICC situation countries are complementing the ICC Statute on the ground. Experiences and perspectives from Kenya, Uganda, Sudan, the Democratic Republic of Congo (DRC) and the Central



George Kegoro, Hon. Amos Wako and Evelyn A. Ankumah

<sup>5</sup> Evelyn A. Ankumah, "The Dilemma of International Justice", Africa Legal Aid Quarterly, April-June 2010.

African Republic (CAR) were shared. More specifically, the Workshop addressed Reparations and Victims' Participation and incorporating Gender Perspectives in International Justice. The Workshop concluded with the adoption of practical outcomes. [www.africalegalaid.com/resources](http://www.africalegalaid.com/resources).

As well, a special edition of AFLA's "flagship journal," the AFLA Quarterly on 'Africa and International Justice: After Kampala' was issued at the Workshop. This edition included an Article by President of the ICC, H.E. Sang-Hyun Song; and an Interview with ICC Deputy Prosecutor, H.E. Fatou Bensouda. Significantly, the Quarterly featured two diverse contributions on the *Crime of Aggression* by Jutta Berthram-Nothnagel, of Union Internationale des Avocats; and Anton du Plessis of the International Crime in Africa Program (ICAP) of the Institute for Security Studies (ISS).

There were a number of outcomes to this Workshop. In addition to Building Capacity and increasing the number of AFLA's conscientious and loyal network of civil societies working on human rights and justice issues, and developing AFLA's Policy Agenda for International Justice, the Final Communiqué is being used for Advocacy Initiatives in Africa and elsewhere. A full Conference Report can be obtained at [www.africalegalaid.com/resources](http://www.africalegalaid.com/resources).



Panelists during the Theme on "The ICC in Africa: Identifying Obstacles and Challenges to Achieving Complementarity", chaired by Mr. Akbar Khan, Head of Legal Division, Commonwealth Secretariat

#### - **Dissemination of Information on Africa and International Justice**

An important and critical medium of AFLA's Work has been its publications. Particularly significant has been the AFLA Quarterly, "the flagship" of the organization with over 40 editions to date. In 2010, the year of the first Review Conference of the International Criminal Court (ICC), three editions of the AFLA were dedicated to International Justice.<sup>6</sup> In fact, the separate edition dedicated to Gender Justice, also falls under International Justice.<sup>7</sup> The Quarterly is distributed widely to NGOs and Human Rights Institutions in Africa, Europe, the Americas and elsewhere.<sup>8</sup> The Quarterly is also stocked by a large number of libraries making it accessible to thousands of additional readers.

Noteworthy too, is the launch of AFLA's E-Reporter on Human Rights and International Justice in 2009. During this Reporting period, several editions of the E-Reporter were issued and distributed directly to 5,000 members of AFLA aforementioned target groups. The E-Reporters are also posted on AFLA's highly visible website making it accessible to tens of thousands of additional beneficiaries.

E-Reporters addressing timely international justice matters include: The Al Bashir Arrest Warrant; Africa and the ICC Review Conference; Omar Al Bashir's visit to Kenya; Complementarity in ICC Situation Countries.

<sup>6</sup> On the Shores of Lake Victoria: Africa and the ICC Review Conference (January- March 2010); Africa and International Justice: After Kampala (April-June 2010); Expanding the List of International Crimes: an African Perspective (October-December 2010).

<sup>7</sup> Expanding the List of Gender Crimes: An African Perspective (July-September 2010).

<sup>8</sup> Effective April, 2010, electronic editions of AFLA publications will be available for download online.

As well, through its highly visible website, AFLA published news items on International Justice including AFLA's observation of Naomi Campbell's testimony in the Charles Taylor trial before the Special Court of Sierra Leone's hearing in The Hague.

AFLA's dissemination of information on International Justice has contributed to raising awareness on justice developments relating to Africa.

- ***Establishment of a Steering Committee on International Justice***

To intensify its activities on International Justice and its Engagement with the International Criminal Court, a Steering Committee of Human Rights and Justice Luminaries including Prof. Tiyanjana Maluwa, Director, School of International Affairs, Pennsylvania State University, and Ambassador Mirjam Blaak of Uganda, has been established to steer AFLA's activities on Africa and International Justice. The Committee meets twice each year to evaluate the progress of the Program. Effective 2011, after the Interactive Justice Website is established, the Committee will engage with human rights and justice networks and broader publics in discussions on contemporary issues of international justice. In 2014, the Steering Committee will present, for consideration and adoption, a Draft Policy Agenda for International Justice from an African Perspective. The African initiated Policy Agenda for International Justice will be used for Advocacy and Lobbying Initiatives in Africa and elsewhere.

## Gender Justice Campaign



### Introduction:

“Although there have been notable gains for women globally, gender inequality and gender based inequities continue to impinge upon women and girls and their ability to realize their full potential as citizens and equal partners in decision making and development. Marginalization of women is still strongly rooted in laws, policies, practices, human interactions and domestic relations world-wide. This has manifested itself into a culture of violence against women at all levels.”<sup>9</sup> Vulnerability and continued marginalization of women and girls in all spheres and situations of life, particularly conflict situations, have placed gender equality and gender justice at the forefront of the world agenda.

In response to this problem, in 2007, in cooperation with the United Nations International Criminal Tribunal for Rwanda (ICTR), Africa Legal Aid initiated a Gender Justice Campaign to *inter alia* carry forward the legendary work of the ICTR on Gender Justice and to raise the profile of accountability for gender related offenses and promote gender equality and women’s empowerment. Consequently, AFLA’s Programs have been strategically designed to enhance empowerment of women, with gender as a cross-cutting thematic issue in all activities. AFLA’s capacity building training programs address *inter alia*, issues of gender discrimination, gender based crimes and violence against women. Similarly, AFLA’s South North dialogue on human rights and development cooperation, its selected and targeted legal assistance activities, and its publications have major gender components. Significantly, AFLA’s Gender Justice Campaign is raising awareness on marginalized and undertreated areas of Gender based Violence including economic violence, psychological violence, and other gender related offenses committed against women, not only in times of conflict, but also during peace time. An intended outcome of the Gender Justice Campaign is an expansion of the list of offenses that constitute gender crimes to include those that are of real and practical significance for Africa.

The primary beneficiaries of AFLA’s Gender Justice Campaign are Women and Children. The Gender Campaign engages women and Gender groups, as well as Civil Societies in Africa particularly those from conflict and post conflict countries including Kenya, Uganda, Sierra Leone and Cote D’Ivoire. The list includes seemingly model democracies such as Ghana and Senegal. AFLA’s Gender Justice Campaign has built capacity of judiciaries to be Gender Sensitive in Adjudication. These include the newly established War Crimes Division (WCD) of the High Court of Uganda.

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<sup>9</sup> Maitrayee Mukhopadhyay and Navsharan Singh (Eds), *Gender Justice, Citizenship, and Development: An Introduction*. Available online at [http://www.idrc.ca/en/ev-108814-201-1-DO\\_TOPIC.html](http://www.idrc.ca/en/ev-108814-201-1-DO_TOPIC.html). Accessed on 16<sup>th</sup> April 2008.

In 2010, AFLA undertook the following Gender Justice Activities as part of its ongoing Gender Justice Campaign:

- ***Contemporary Forms of Gender Based Violence: Commemorating International Women’s Day, 8 March 2010, Accra***

To commemorate International Women’s Day, celebrated around the world on 8<sup>th</sup> March, AFLA, in cooperation with the Commission on Human Rights and Administrative Justice of Ghana (CHRAJ), convened a Forum on the theme: ***The Ghana Domestic Violence Act and Contemporary Forms of Gender-Based Violence***, in Accra, Ghana. Ghana was chosen as the venue for this Forum for two reasons. Firstly, it is one of the few African countries to have legislated a Domestic Violence Act, but which regrettably is not implemented. Secondly, Ghana was undergoing a Constitutional Review Process and this Forum was an attempt to raise awareness on the need to address Gender issues. The Gender Forum in Ghana addressed undertreated and contemporary forms of Violence against Women including: The Media and Gender Violence and New Forms of Sexual Violence. Incorporating Gender Perspectives in the Constitutional Review Process was a recurring theme. One of the main objectives of the Forum was to highlight the need to expand Gender Crimes to include emerging and undertreated offences that are gendered in nature and scope.

The timely Forum attended by over 50 participants and Advocates on Gender and Human Rights was graced by the presence of some key local figures including Hon. Anna Bossman, Deputy Commissioner of the Ghana Commission on Human Rights and Administrative Justice (CHRAJ). AFLA enlisted international and local resource persons from Academia, Civil Society, and Intergovernmental agencies to lend their expertise.

The Forum addressed a variety of themes pertaining to gender-based violence, particularly, emerging and undertreated forms of violence. It ended with a Final Plenary which deliberated on expanding the list of offences that constitute Gender Crimes. It was noted at the beginning of the Forum that the outcome of the meeting will contribute to AFLA’s ongoing Gender Justice Campaign which will formulate principles and adopt a Policy Agenda for Gender Justice to be used for Advocacy and Lobbying Initiatives in Africa and elsewhere.



Participants during the Conference

An important outcome of the Forum was that a Ghana specific Project would be developed by AFLA, the West Africa Network for Peace Building (WANEP) and the Ministry of Women and Children’s Affairs of Ghana (MOWAC) to carry forward the lessons from the Accra Meeting, and using AFLA’s Gender Justice Forum as

platform, train men and women to work together in combating Domestic Violence and contemporary forms of gender based violence, and incorporate Gender Perspectives in Ghana's Constitutional Review Process.

A full Report of the Forum can be found at [www.africalegalaid.com/resources](http://www.africalegalaid.com/resources).

- ***Gender Component of the ICC Review Conference, 28-29 May 2010, Kampala***

As mentioned in the previous section, AFLA organized a series of Meetings to coincide with the first Review Conference of the International Criminal Court (ICC). These featured Gender components drawing from the experience of the AFLA initiated, and ongoing Gender Justice Campaign, which seeks to expand the list of offenses that constitute gender crimes and adopt a Policy Agenda on Gender Justice from an African Perspective, to be used for advocacy and lobbying initiatives in an effort to ensure a Gender sensitive International Justice regime that is truly universal, legitimate and effective.

The Gender Components of AFLA's activities in Uganda included: Adopting a Holistic Approach to Gender Justice; Gender Sensitivity in Adjudication; and Marginalized and Undertreated Forms of Gender based Violence.

AFLA's interventions served to have a Gender sensitive and Gender inclusive approach to Human Rights and International Justice to benefit both men and women. By emphasizing on Gender and African perspectives, it addressed issues of special resonance to Africa and women, within a Gender Mainstreaming context. It was observed that given that AFLA is not a Women Specific organization, its interventions on Gender Justice addressed issues not typically addressed by Women's groups. Furthermore, as AFLA's target groups are both women and men, it is able to sensitize men, the main perpetrators of Gender based Violence.

AFLA's added value to the Gender discourse in Kampala was that it sensitized both women and men, and heightened the African Perspective. A full Report of the Workshops can be obtained at [www.africalegalaid.com/resources](http://www.africalegalaid.com/resources).

- ***Civil Society Meeting on the Contribution of Migrants and Migrant Women to Discourse on Gender Based Violence, The Hague***



Participants of the Gender Meeting

Generally speaking, women have a very vulnerable position in society and for this reason happen to be the unfortunate victims of different forms of violence. Migrant women are yet in a weaker position as they live in an unfamiliar environment which subjects them to submission and dependence. These aspects together with

other social, economic and cultural factors contribute to their subjection to many forms of violence. In line with its Gender Justice Campaign Africa Legal Aid organized this pilot meeting for Women and Gender Groups to explore and identify unique experiences of Migrant Women which could enhance advancement of Gender Justice.

The Meeting attracted participation of Women and a few Men from various migrant and gender-related organizations and NGOs including Vital Aid Foundation, The African Diaspora Policy Center, Women's Initiatives for Gender Justice, Council of Women, among others. The Meeting was equally graced by the attendance of scholars and experts in Migrant and related fields including Dr. Thanh-Dam Truong, of the Institute for Social Studies (ISS); Ms. Gloria Atiba Davies, Head of Gender and Children's Unit at the International Criminal Court (ICC); Rosette Muzigo of the International Criminal Tribunal for Rwanda (ICTR).

Dr. Thanh-Dam Truong made the opening speech, addressing the issue of Migration and the Gender Perspective. The other issues addressed were: Trafficking in Women, Women in Transitional Justice and Gender-based Violence. The Meeting, after lengthy discussions and deliberations from all participants concluded with a Plan of Action. Perhaps the main outcome of the Meeting was realization of the need to adopt an Inclusive definition of Migrant Women to include high profile women such as business leaders, international policy makers, academics and others working and residing outside their country of origin to raise the profile of issues affecting migrant women, and identify what can be learned from the experiences of successful women living outside their countries of origin.

#### - ***Dissemination of Information on Gender Justice***

As noted above, an important and critical medium of AFLA's Work has been its publications. Particularly significant has been the AFLA Quarterly, "the flagship" of the organization with over 40 editions to date. A significant percentage of Quarterly editions are dedicated to Gender specific issues. Additionally, all other editions feature contributions relating to Gender Equality and Empowerment of Women. In 2010, a Gender specific edition of the Quarterly was dedicated to the theme: Expanding the List of Gender Crimes: an African Perspective.<sup>10</sup> The Quarterly is distributed widely to NGOs, including Gender Groups, and Human Rights Institutions in Africa, Europe, the Americas and elsewhere.<sup>11</sup> The Quarterly is also stocked by a large number of libraries making it accessible to thousands of additional readers.

Noteworthy too, is the launch of AFLA's E-Reporter on Human Rights and International Justice in 2009. During this Reporting period, several editions of the E-Reporters incorporating Gender Perspectives were issued and distributed directly to 5,000 members of AFLA aforementioned target groups. The E-Reporters are also posted on AFLA's highly visible website making it accessible to tens of thousands of additional beneficiaries.

During this reporting period, AFLA began preparation of vol. 4 of its Book Series dedicated to the theme: *Africa and the Gender Agenda: In Words and Pictures*. This user-friendly forthcoming publication features the views and opinions of notable women, each representing Africa in her own unique way, on the evolving regime of Gender Justice and Empowerment of Women.

#### - ***Establishment of Steering Committee on Gender Justice***

In 2010, a Steering Committee of Gender experts and luminaries was established under the auspices of Africa Legal Aid to steer the work of the campaign. Like its sibling Committee on International Justice, the Steering Committee on Gender Justice meets twice each year to evaluate the progress of the campaign. Effective 2011, an Interactive Gender Website will be established to engage the Steering Committee with Women networks and broader publics in dialogue on emerging and contemporary forms of Gender based Violence. In 2014, the Committee will present for consideration and adoption, a Draft Policy Agenda for Gender Justice from an

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<sup>10</sup> Africa Legal Aid Quarterly, July-September 2010.

<sup>11</sup> Effective April, 2010, electronic editions of AFLA publications will be available for download online.

African Perspective. The Policy Agenda for Gender Justice will be used for Advocacy and Lobbying Initiatives in Africa and elsewhere.

### **Human Rights and Business**

In 2010, Africa Legal Aid concretized the development of its Project dubbed *Human Rights is Good for Business*. All across Africa, there is growing awareness about the need for civil society groups, particularly those working on human rights and the rule of law, to engage not only governments but also the business community, in their efforts to give recognition and effect to human rights protection. A favorable legal and human rights environment contributes to long term economic gains for enterprises and as a consequence, to economic progress in Africa. Simply put, respect for human rights is good for business! Political stability is good for business! How do we replace blood diamonds with job opportunities, dignity, and peace and security for all? This is not only the task of politicians and governments, but also civil societies and the business sector. It is therefore in the interest of both the business community and human rights and justice sectors to join forces, in the quest for human rights promotion and protection. This newest Program of Africa Legal Aid has a significant component on Youth engagement Gender.



***Africa Legal Aid Quarterly***

In 2010, AFLA dedicated three editions of its “flagship” journal, the Africa Legal Aid Quarterly to International Justice, while one edition was dedicated to Gender Justice. The first edition from January -March, dedicated to the First Review Conference of the International Criminal Court (ICC) entitled ***On the Shores of Lake Victoria: Africa and the ICC Review Conference*** featured the following contributions:

- A Policy Agenda for International Justice: An African Perspective
- On the Shores of Lake Victoria: Africa and the Review Conference for the International Criminal Court
- The Rome Statute and the Crime of Aggression: an African Perspective
- The role of the ICC and the African Union in reducing the impunity gap: the prospects for achieving complementarity
- Seven years into the implementation of ground-breaking provisions on victims’ rights
- Making Complementarity Work: The Case for Uganda-Based trials of the Lord’s Resistance Army and Lessons from the Rwanda Tribunal
- Africa and the ICC Review Conference in Uganda
- Victims’ Role in the Globalization of Criminal Justice - What Impact for Uganda?
- Book Review: Tears of the Dessert

The theme of the second edition, March – June, was also related to the ICC Review Conference, entitled ***Africa and International Justice: After Kampala*** and featured articles on:

- Editorial: The Dilemma of International Justice
- The ICC brings Hope for Change
- A Seed for World Peace Planted in Africa: The Provisions on the Crime of Aggression Adopted at the Kampala Review Conference for the Rome Statute of the International Criminal Court

- Africa and the Codification of Aggression: A Pyrrhic Victory?
- Africa and the first Review Conference of the International Criminal Court (ICC) – An Interview with Uganda’s Mirjam Blaak
- Is Africa a Participant or Target of International Justice? – An Interview with Fatou Bensouda, Deputy Prosecutor of the International Criminal Court (ICC)

The third issue of the 2010 editions of the AFLA Quarterly is dedicated to the theme: ***Expanding the List of Gender Crimes: an African Perspective***. This edition features contributions on:

- Editorial: A Policy Agenda for Gender Justice
- A Holistic Approach to Gender Justice
- Expanding the List of Gender based Crimes in Ghana: Interrogating the Values and Roles and Responsibilities of Various Actors
- Uganda and Implementation of CEDAW
- Transitional Gender Justice in Uganda: The War Crimes Division and Transitional Justice Mechanisms
- Migration et anomie: La Transformation des Relations Domestiques dans les Ménages des Congolais de la Diaspora

The fourth issue of the 2010 editions of the AFLA Quarterly is dedicated to the theme : ***Expanding the List of International Crimes : An African Perspective***. This edition features contributions on :

- Editorial- Africa and International Justice : Inclusion of Crimes of Special Resonance for Africa
- Nuclear Weapons and the Rome Statute of the International Criminal Court (ICC) : Some Lessons from the Kampala Amendments
- The Africa Human Rights System : Possible Role of the African Court in Prosecution of International Crimes
- ICC and Complementarity : The Ugandan Experience
- Lessons for Africa on Positive Complementarity from South Africa
- Expanding the List on International Crimes : an African Perspective



## AFLA Book Series

Volume 4 of the Africa Legal Aid Book Series, which will be issued in early 2011, and prepared largely in 2010 will be dedicated to the theme: ***Africa and the Gender Agenda: In Words and Pictures.***<sup>12</sup> This User friendly Book features the views and Opinions of Notable Women in Africa from diverse disciplines, on the evolving regime of Gender Equality and Gender Justice.

## Forecast 2011

### Africa and the International Criminal Court

- Court Monitoring of Cases before the ICC (Year Round)
- Monitoring of Proceedings in ICC Situation Countries (Year Round)
- Awareness Raising Forum in Kenya on *Kenya after the Ocampo Six* (In cooperation with the Kenya Section)

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<sup>12</sup> The earlier three Books in the AFLA Book Series are on the Following themes: African Perspectives on International Justice (With a Preface by Luis Moreno Ocampo, Prosecutor of the ICC); Litigating Economic and Social Rights in Africa; and The Legal Profession and the Protection of Human Rights in Africa.

- of the International Commission of Jurists (ICJ Kenya) (July)
- Forum on “The ICC in a Politically Divided World: Engaging the African Union and Sub-regional Bodies” (In cooperation with the Commonwealth Secretariat) (October)
- Online Engagement on Africa and International Justice (Starting May)

#### **Gender Justice Campaign**

- Court Monitoring of Implementation of Ghana’s Domestic Violence Acts (Starting June)
- Awareness Raising Forums on Contemporary and Emerging Areas of Gender based Violence (March 8<sup>th</sup>) **\*\*Report\*\***
- Contribution of Migrant Women to Gender Justice (November..)
- On Line Engagement on Gender Justice (Year Round)

#### **South North Dialogues**

- Commemorating International Women’s Day (8<sup>th</sup> March) **\*\*Report\*\***
- The ICC and Cote D’Ivoire (June)
- The ICC and Kenya (July)
- The ICC and Libya (September)
- Commemorating International Day on Elimination of Violence against Women (\*\*\*)

#### **Human Rights and Business**

- Pilot Workshop (June)

#### **Publications**

##### **Africa Legal Aid Quarterly 2011 Editions**

- Human Rights and Business
- Kenya and the International Criminal Court
- Implementing Gender Justice in National Legal Systems
- The ICC in a Politically Divided World: Engaging the African Union and Sub-regional Bodies

##### **Africa Legal Aid Book Series vol. 4**

AFRICA AND THE GENDER AGENDA: IN WORDS AND PICTURES

## **ANNEXES**

### **Historical Background**

Africa Legal Aid was launched on 21 October, 1995 to coincide with Africa Day of Human Rights. AFLA addresses under-developed areas of human rights as well as emerging human rights issues of crucial relevance to Africa. In a strategic review of AFLA, the independent external facilitator observed that *“AFLA has become a leading voice in the progressive development of human rights jurisprudence for Africa”*. Africa Legal Aid was established in response to the atrocities and international crimes committed in many African countries and wide-spread violations of economic and social rights. AFLA is one of the few international NGOs that exclusively address the legal and human rights challenges facing Africa. AFLA has played a pioneering and leading role in developing African perspectives on international justice. At the core of AFLA’s activities and mandate is the push for progressive human rights jurisprudence. AFLA seeks a new African dawn in which the rights of all shall be respected and promoted without distinction as to ethnic origin, nationality, wealth, age, religion, gender, and other distinctions. The organization’s efforts have thus been geared towards creating a new legal awareness in Africa.

AFLA prides itself for having spearheaded efforts to contribute much needed African perspectives to international debates and standard setting. It is of historical importance to note that under the auspices of Africa Legal Aid, the *“Cairo-Arusha Principles on Universal Jurisdiction in Respect of Gross Human Rights Offenses: An African Perspective”* were prepared and adopted. The Principles were cited in the landmark *Arrest Warrant Case* before the International Court of Justice and have been coined *“the voice of Africa on international crimes.”*

Over the years AFLA has developed an extensive and loyal network of justice advocates, leading academics and opinion leaders, human rights practitioners and gender experts. In addition to its own in-house expertise, AFLA is able to tap into the expertise and know-how of its extensive and loyal network in implementing its multiple tasks. AFLA has executed more than 25 Capacity Building Workshops and Experts Meeting in ten countries. AFLA has provided selected and targeted legal assistance to many victims of human rights violations and assisted NGOs in doing the same. In addition, AFLA has published more than 40 editions of its *“flagship journal”*, the Africa Legal Aid Quarterly, Three Books, and over 20 Reports and Proceedings of Workshops.

Through its South/North Dialogues, AFLA has contributed much need African Perspectives to international norms and standard setting. AFLA’s E-Reporter on Africa and International Justice provides up-to-date information on human rights and justice developments in Africa, with direct distribution to over 5,000 beneficiaries.

AFLA is recognized as a leading voice in human rights and justice developments in Africa, and will continue to provide its valuable service of translating paper written rights into practical reality for Africa and its people.

#### **Work Method**

The tools AFLA uses to execute its multiple tasks include Capacity Building Trainings, Selected and Targeted Legal Assistance, Publication of its *“Flagship journal”* and Book Series, South/North Dialogues, and a Gender Justice Forum. AFLA’s major programs are steered by a committee of leading experts in the relevant fields. A Steering Committee for AFLA’s Gender Justice Campaign has been established, and a similar Committee has been convened for the South/North Dialogue project. Interactive project websites will soon be installed for the Gender Justice Campaign and International Justice Program. Furthermore, a Peer Review Panel has been convened for the AFLA Quarterly and Book Series. Significantly, the Committees on Gender and International Justice will formulate Goals and Policies to be used for advocacy and lobbying initiatives.

**VIVA AFLA**