



## **Report 1<sup>st</sup> Meeting – Gender Mentoring Training Programme for Judges of International Courts and Tribunals**

On November 14, 2020, Africa Legal Aid (AFLA) held the pilot meeting of its Gender Mentoring Training Programme for Judges of International Courts and Tribunals.

The meeting was attended by:

**Judge Reine Alapini-Gansou**, Judge of the ICC, Former Member of the African Commission on Human and Peoples' Rights.

**Judge Solomy Bossa**, Judge of the ICC; Former Judge of UN IRMCT; Former Judge of the ICTR; Former Judge of the African Court on Human and People's Rights.

**Judge Fatoumata Dembélé Diarra**, Former Judge and First Vice President of the ICC; Former Judge of the ICTY.

**Judge Florence Mumba (Chair)**, Judge of the Supreme Court Chamber of the ECCC; Former Judge and Vice President of the ICTY; Former Judge of the Appeals Chamber of the ICTY and ICTR; Former Judge of the Supreme Court of Zambia.

**Judge Janet Nosworthy**, Judge of the STL; Former Judge of the ICTY.

**Judge Kimberly Prost**, Judge of the ICC, Former Judge of the ICTY.

**Judge Julia Sebutinde**, Judge of the ICJ; Former Judge of the SCSL.

**Evelyn A. Ankumah**, Coordinator of the Gender Mentoring Training Programme for Judges; Executive Director of AFLA.

**Gabrielle Louise McIntyre**, Co-Coordinator of the Gender Mentoring Training Programme for Judges; Chairperson of the Truth, Reconciliation and National Unity Commission of the Seychelles; Former Chef de Cabinet and Principle Legal Advisor to the President of IRMCT and four successive Presidents of the ICTY.

While the gender mentoring training programme is open to participation of both male and female judges, the initial meetings will target women judges, to allow them to take ownership of the programme by sharing their experiences as female judges working in a multicultural environment, in a male dominated field, and identifying areas where they most need support.

At the outset, Participants heartily congratulated Judge Julia Sebutinde, on her re-election to a second nine-year term at the International Court of Justice (ICJ), having first been elected in December 2011. It is of historic importance to note that Judge Sebutinde is the first, and so far, the only African woman to serve on the ICJ since its first judges were elected in February 1946.

Participants adopted the following agenda items for discussion:

1. Brief introduction by participants and what they would like to share and gain from the gender mentoring programme.

2. How have Judges experienced the difference in culture and values between working in international courts and at national or other levels?
3. In what ways could the Independent Expert Review (IER) Report of the International Criminal Court and the Rome Statue System influence the future workings of the Court?
4. How do the current gender dynamics within the Court impact its effectiveness?
5. What would participants describe as the biggest current impediments to strengthening capacity within international tribunals and courts?
6. Do Judges find that there is enough training at this moment? In which way could training be improved and which training would be beneficial?
7. What do Judges think of the recommendations of the IER, including the points that were made about the behaviour of individual judges and some misconduct, and how this could be improved?

## **Discussion**

The discussions were lively and engaging. The Judges were candid about their concerns and needs. The difficulties of adapting to differences in culture, background and legal systems was a point shared by the Judges. A major challenge experienced was the diverse and international nature of the courts. Bringing together individuals from all over the world sometimes leads to a difficult working environment where judges are confronted with different points of view and demeanour. It was noted that such differences should not be met with opposition but rather with a sense of open-mindedness. For example, when faced with having to adapt to working with individuals from a different legal tradition, Participants expressed that it can be an opportunity to learn from their colleagues. It was noted that international courts and tribunals are often a hybrid mix of legal traditions (with the common law system being the dominant tradition), it was observed; and it is expected that judges are experienced and knowledgeable of both the common law and civil law systems. Participants agreed that such an open-minded approach would lead to more harmonious work relationships and would ensure that the goal of justice is met.

The current gender dynamics at the ICC in particular was discussed at length. It was noted that although there has been progress in some international courts on increased representation of women, there are still serious issues that need to be addressed. These include how cases of gender violence are adjudicated, and the relationships among judges. Participants noted that forums, such as this Gender Mentoring Training Programme for Judges, are important because they provide space to women judges to share, learn from and support one another. Participants called for greater scrutiny by the Assembly of States Parties to the ICC (ASP) when undergoing the selection procedure of new judges to ensure that the best suited judges are elected and that there is gender sensitivity and gender balance on the bench. This would begin to change the institutional bias against women which Participants said is common in international courts and tribunals.

In view of the above highlighted points, the importance of welcoming newly elected judges in international courts and tribunals, how best to assist and support them in their new environment of different backgrounds, cultures, and legal systems, was stressed by Participants.

Lack of sufficient funding and undue external pressures were highlighted as additional factors that impede the strengthening of capacity of international courts and tribunals. These factors limit judges' ability to effectively fulfil their duties and are urgent issues which need further discussion.

On the issue of the IER report, it was noted that although it is specific to the work of the ICC, many of the issues raised and recommendations made are applicable to the various international courts. However, the ICC judges in the group disclosed that active consideration of the report is ongoing at the Court. They shared that many of the issues included in the report were already being prioritized in previous discussions at the Court. They expressed that the IER's recommendations can bring positive change to the Court.

Participants agreed to discuss the aspects of the IER report which are generic to international courts and tribunals at the next meeting after the coordinators have pulled out and summarized generic issues which this group can discuss.

In concluding the meeting, Participants agreed on the need to move forward with the gender mentoring programme to address and resolve the various issues highlighted.

Judge Kimberly Prost and Judge Solomy Bossa offered to sensitize their respective colleagues at the ICC Pre-Trial and Appeals Chamber to join the gender mentoring programme as soon as possible. They asked AFLA to share the report with their colleagues who were not present.