

The recommendations of the 3rd East African Magistrates' and Judges' Association (EAMJA) Training Workshop on Responding to Terrorism, International and Transnational Crimes

Preamble:

Recognising the increase of transnational crimes including terrorism, organised crime, money laundering, cybercrime and piracy in the region, and the need to deal with international crimes (war crimes, crimes against humanity and genocide) and their negative impact on development, stability and security in East Africa;

Aware of the need for improved policy and specialised capacity on the part of relevant officials to appropriately respond to these crimes;

Noting the complexity, diversity, dynamic, and trans-border nature of these crimes and the need for strong international and regional cooperation;

Recalling the recommendations from the 1st and 2nd East African Magistrates and Judges Association (EAMJA) training on counter-terrorism, international criminal justice and transnational crimes held in Dar es Salaam, Tanzania and Bel Ombre in Mauritius respectively, and the EAMJA meeting towards establishment of a Judicial Platform for International Cooperation on Counter-terrorism, International and Transnational Crimes held in Dar es Salaam in June 2013 ;

We hereby recommend the following:

1. TRAINING AND CAPACITY BUILDING

- 1.1 Continued capacity building on issues affecting the criminal justice and law enforcement towards effective national prosecution of these crimes;
- 1.2 Joint training for Judicial Officers, Prosecutors, Defence Lawyers and Investigators in order to promote a comprehensive approach to responding to these crimes;
- 1.3 Training for the media on responsible reporting on terrorism, international and transnational crimes, including issues of witness protection.

2. JUDICIARIES IN THE REGION

- 2.1 Encourage Prosecutors and investigators to work together towards prosecution-led investigations where applicable, while maintaining their independence and define modalities for case management with the judiciary;
- 2.2 Advocate for fair hearings and respect for fundamental human rights for all parties, more especially the accused, during investigation, prosecution and trial of cases, and ensure speedy trials;

- 2.3 Promote training on dealing with cases of juveniles involvement in terrorism related crimes;
- 2.4 Provide clarifications on procedures in cases where a crime has occurred in more than one country on which country takes the lead in prosecution;
- 2.5 Encourage ICC Office of The Prosecutor to carry out proper investigations before bringing the cases to court in order to safeguard the credibility of international criminal justice.

3. STATES

- 3.1 Enact legislation for the control of money laundering; and as part of that, establish Financial Intelligence or Asset Recovery Units within all jurisdictions in order to advance the investigation, prosecution and adjudication of these crimes;
- 3.2 Enact laws relating to international and transnational crimes where such are lacking including, providing for Mutual Legal Assistance and Extradition Laws and Agreements in order to promote international cooperation in combating these crimes;
- 3.3 Establish mechanisms, including case management procedures, that address delays in the prosecution of cases;
- 3.4 Enact legislation and establish institutions that will manage the protection of witnesses;
- 3.5 Provide appropriate support for judicial and law enforcement officers handling cases of complex crimes;
- 3.6 Recognise and protect the right of defence counsel to act for and access their clients and also recognize the rights of all persons facing charges of international and transnational crimes to legal representation;
- 3.7 Enlighten citizens on opportunities to seek redress at the East African Court of Justice and review the two month limitation period for taking action.

4. LEGAL COUNSEL

- 4.1. Legal counsel urged not to refrain from acting for unpopular suspects or accused persons facing charges of international and transnational crimes;

5. NEXT TRAINING

It was proposed that the 4th EAMJA training workshop be held in Zanzibar in 2014.