



YEAR 2021

ANNUAL REPORT

Strengthening domestic justice for international crimes



CONTENTS

- ❖ **Strengthening justice and accountability in Nigeria**
- ❖ **Breathing life into the principle of complementarity**
- ❖ **Launching the online justice resource hub**



YEAR 2021

ANNUAL REPORT

Strengthening domestic justice for international crimes

TABLE OF CONTENTS

Message from the Director	6
About the Wayamo Foundation	9
About the Africa Group for Justice and Accountability (AGJA)	10
AGJA members	11
AGJA statements	12
AGJA activities	13
<hr/>	
Strengthening justice and accountability in Nigeria	15
Project description	15
Context	15
Project objective	15
Complementarity	16
Capacity building of the Complex Casework Group (CCG)	16
Capacity building of the Serious Crimes Response Team (SCRT)	17
Inter-agency collaboration	19
Mentoring	19
Partners	19
Project beneficiaries	20
Media component	20
2021 activities	22
First joint international criminal law and international humanitarian law course with the Nigerian Institute of Advanced Legal Studies	22
Capacity-building workshop for civil and military investigators and prosecutors on the creation of an electronic case-file database and the use of Intella software for evidence management	23
Media engagement	25
Capacity-building workshop for civil and military investigators and prosecutors on the creation of an electronic case-file database and the use of Intella software for evidence management	27
Media engagement	28
First capacity-building programme for members of the proposed Serious Crimes Response Team (a highly specialised unit of military investigators and prosecutors)	29
Capacity-building workshop for civil prosecutors from the Complex Casework Group on the electronic case-file database and the use of Intella software for evidence management	32
Second capacity-building programme for members of the proposed Serious Crimes Response Team (a highly specialised unit of military investigators and prosecutors)	34
Capacity-building workshop for civil prosecutors from the Complex Casework Group on the electronic case-file database and the use of Intella software for evidence management	36
Capacity-building workshop for prosecutors from the Complex Casework Group on the ICC criminality assessment form	36
Capacity-building workshop for civil prosecutors and investigators on the creation of an electronic case-file database	37

Third capacity-building programme for members of the proposed Serious Crimes Response Team (a highly specialised unit of military investigators and prosecutors)	39
Main achievements	40
Online Justice Resource Hub	41
<i>"Justice in West Africa"</i> website	41
Country cases	42
Core texts, interactive print and multimedia sources	43
Precarity or prosperity: African perspectives on the future of the International Criminal Court	44
South Africa and the ICC	44
The Election of the Next Prosecutor and Judges - Process and Outcome	45
African States, the African Union and the ICC	45
The Independent Expert Review of the ICC	46
Video interviews and publications	47
Interviews	47
Project videos	47
Wayamo's hybrid model	48
Dakar International Justice Conference	49
Wayamo meets with Minister of Justice in Sudan	53
Wayamo meets with the UN and Human Rights Watch in New York	54
20th Assembly of States Parties of the ICC, The Hague, Netherlands	54
Annexes	55
Annex 1: List of 2021 activities	55
Annex 2: What sets us apart	57
Annex 3: Wayamo Team	58
Annex 4: Funders	59
Annex 5: Publications	60
Annex 6: Partners	61



MESSAGE FROM THE DIRECTOR



Another year of facing the global COVID-19 pandemic presented the **Wayamo Foundation** with new challenges as well as opportunities. Over the course of 2021, Wayamo demonstrated its resilience and agility in continuing its high-level programming, by adapting its efforts to the circumstances, developing new projects, and remaining at the forefront of international justice developments.

Over the last year, we not only implemented in-country programming, but developed new curricula and projects, launched online resources and video galleries featuring a global panel of experts, and welcomed new staff to bolster our team.

Throughout the year, Wayamo continued its focus on encouraging the investigation and prosecution of international and terrorist crimes in **Nigeria**. Over a period of twelve months, Wayamo implemented nine capacity-building workshops for civilian and military investigators and prosecutors, one Training-of-Trainer workshop, and two media engagement workshops. In all, over 214 Nigerian participants were trained by Wayamo in 2021. Following months of careful planning, trust-building, and diplomatic manoeuvring, in 2021 Wayamo managed to secure the appointment of 22 military officers to the **Serious Crimes Response Team**

(**SCRT**). The creation of such a unit was proposed to the **Nigerian Chief of Defence Staff** as a way of responding to the allegations of serious human rights violations, which potentially fall under the jurisdiction of the **International Criminal Court (ICC)**. The SCRT represents a real chance that the Nigerian authorities will investigate and prosecute the alleged international crimes committed by their own armed forces in the conflict with Boko Haram.

The collaboration with the **Nigerian Ministry of Justice** also entered a new phase: together with the **Complex Casework Group**, a specialised unit of 26 prosecutors dealing with serious crimes, Wayamo started to digitise all of the terrorism files, with special attention paid to files with potential international crimes. The creation of the first comprehensive digital database of terrorism cases provides the basis on which ongoing training with evidence-management software will eventually allow for more thorough cases to be built and information and evidence to be easily retrieved.

Among other achievements, these capacity-building efforts have led to the first ever case of sexual violence crimes being charged as terrorism. More generally, and despite its relatively short life span, Wayamo's programming in Nigeria has had an undeniable impact.

It has contributed to an enhanced system of justice in Nigeria, which is investigating and prosecuting terrorism crimes, some of which amount to international crimes, in line with the state's obligations under the Rome Statute of the ICC.

During the year, Wayamo staff also visited **Sudan** for a series of meetings with civilian authorities and civil society. While the situation in the country remains fluid, Wayamo is committed to working with partners on the ground and elsewhere to make a meaningful contribution to the achievement of justice and accountability in the country.

It is increasingly understood that the future of international criminal justice is domestic, in that the lion's share of investigations and prosecutions of mass atrocities should and will take place in national courts rather than international tribunals. In consonance with this view, Wayamo's work breathes life into the principle of complementarity, the idea that national jurisdictions have the primary responsibility to investigate and prosecute international crimes. In 2021, we continued to use our knowledge and expertise, trusted relationships, and unparalleled roster of experts from

around the globe, to establish projects and networks that bolster the work of domestic courts to prosecute mass atrocities in national courts, closer to where victims and survivors reside.

Enjoying a respite from pandemic restrictions, in October 2021, the **Wayamo Foundation and the Konrad Adenauer Foundation (KAS) Programme for the Promotion of the Rule of Law in Sub-Saharan Africa** held an international conference entitled *Justice for International Crimes: Challenges and Strategies in West Africa and Elsewhere* in Dakar, Senegal. More than 90 experts and participants from the ICC, United Nations, African Union, Extraordinary African Chambers in Senegal, International Residual Mechanism of the Criminal Tribunals, International, Impartial and Independent Mechanism on Syria (IIIM), civil society and governments took part in the two-day conference. The conference also afforded a singular opportunity to bring to the fore French-speaking experts and participants in the world of international justice.

The year also saw Wayamo launch numerous online initiatives, which have now been consolidated in our **Online Justice Resource Hub**. Major projects included





the *Justice in West Africa* website, detailing domestic, regional and international justice efforts in West Africa, and *Precarity or prosperity: African perspectives on the future of the International Criminal Court*, an online video gallery of global justice experts. Wayamo produced a total of 23 video interviews with experts on international justice.

As always, Wayamo continues to work hand-in-hand with the **Africa Group for Justice and Accountability (AGJA)**, which remained active throughout 2021. The year also marked a year of transition for the Group. In December, the tenures of Chairperson Hassan Jallow (The Gambia) and Deputy Chairperson Athaliah Molokomme (Botswana) ended, and Mohamed Chande Othman was elected as the new Chairperson, with Fatiha Serour (Algeria) as Deputy Chairperson. In addition to three online meetings, during which AGJA discussed its ongoing projects in collaboration with the Wayamo Foundation, members continued their engagement in and with key international organisations. Three members –Richard Goldstone (South Africa), Mohamed Chande Othman (Tanzania), and Hassan Jallow (The Gambia)– participated in the independent comprehensive expert review of the ICC, its performance, its functioning, and its priorities. The final report was published on 30 September 2020. During and after this process, these members held meetings to consult with interested observers, experts, and civil society groups from around the globe. In September

2021, Mohamed Chande Othman was appointed Special Adviser without portfolio by the new ICC Prosecutor, Karim Khan.

In 2021, Wayamo also welcomed Linda Bore as the organisation's International Criminal Lawyer & Project Coordinator. Linda holds a Bachelor of Laws from the University of Nairobi (Kenya) and a Master's in public international law from the London School of Economics and Political Science (UK). She has proved to be a invaluable addition to Wayamo's growing team and family.

Our staff also remained engaged by attending conferences, giving lectures and public talks, and writing about global justice issues across various media platforms.

Finally, we should like to take this opportunity to thank all our friends, colleagues and supporters around the world, and to wish you and your families all the very best. We very much look forward to seeing you at our events in the near future.

Best wishes,

Bettina Ambach

Bettina Ambach, Director, Wayamo Foundation



ABOUT THE WAYAMO FOUNDATION

Wayamo gGmbH is an independent, non-profit organisation established to strengthen the rule of law, and promote justice for international and transnational crimes. It does so by:

- building the capacity of national judicial systems;
- training judges, prosecutors, investigators and journalists;
- advocating transparency and accountability, often in post-conflict settings;
- facilitating and supporting dialogue between civil society and government leaders; and,
- creating networks of the highest-ranking investigators and prosecutors to combat international and transnational organised crimes.

In January 2021, **Linda Bore** joined the Wayamo team as the new International Criminal Lawyer and Project Coordinator. An Advocate of the High Court of Kenya, Linda brings with her over ten years experience in the legal, humanitarian and governance fields.

Judie Kaberia took up the position of Executive Director at the Association of Media Women in Kenya (AMWIK) in August 2021 for a three-year term. AMWIK is a membership organisation of over 300 women journalists, coordinated by a secretariat and board of governors.

Rebeka Juhosová, a Legal Researcher and Data-Management Expert, joined Wayamo as a Consultant in January 2021. Rebeka has brought her expertise in legal document preparation and data/records management to Wayamo's efforts to help Nigeria's Complex Casework Group digitise its terrorism case file archive and to modernise its evidence management system.



Linda Bore (Kenya)
International Criminal Lawyer &
Project Coordinator



Judie Kaberia (Kenya)
Project Coordinator for East Africa



Rebeka Juhosová (Slovakia)
Legal Researcher and Data-
Management Expert

► For further information kindly see Annex 3: "Wayamo team".



ABOUT THE AFRICA GROUP FOR JUSTICE AND ACCOUNTABILITY (AGJA)



AGJA is an independent group of senior African experts on international criminal law including political figures, members of international and domestic tribunals, and human rights advocates. It was established on 23 November 2015 with the mandate to *“strengthen justice and accountability measures in Africa through domestic and regional capacity building, advice and outreach, and enhancing cooperation between Africa and the International Criminal Court”*.

One of its unique features is its independence from governments, the ICC and other organisations. This has been indispensable to the Group’s mandate. AGJA has shown its ability to gain the trust of African states, diplomats, and institutions across the international criminal justice spectrum.

The **Wayamo Foundation** is the Group’s secretariat and convener.

The **Kilimanjaro Principles on International Justice and Accountability** were first agreed upon at the AGJA’s strategic meeting in Arusha, Tanzania on 17 October 2016.

The Africa Group for Justice and Accountability will:

- **Champion Justice and Accountability**
- **Enhance Complementarity by Building Capacity**
- **Support the International Criminal Court and Universal Ratification of the Rome Statute**
- **Promote Facilitation, Mediation and International Co-operation**
- **Foster Transparency and Open Dialogue**



AGJA MEMBERS



CHAIRPERSON

**MOHAMED CHANDE
OTHMAN (TANZANIA)**

Former Chief Justice of Tanzania



DEPUTY CHAIRPERSON

FATIHA SEROUR (ALGERIA)

Director of Serour Associates for
Inclusion and Equity, former UN Deputy
Special Representative for Somalia



**ATHALIAH MOLOKOMME
(BOTSWANA)**

Ambassador and Permanent
Representative of Botswana to
Switzerland and the UN Office
in Geneva, and former Attorney-
General of Botswana



**HASSAN BUBACAR JALLOW
(THE GAMBIA)**

Chief Justice of The Gambia, former
Prosecutor at the International
Criminal Tribunal for Rwanda and
International Residual Mechanism for
Criminal Tribunals



**RICHARD GOLDSTONE
(SOUTH AFRICA)**

Former Chief Prosecutor of the
United Nations International
Criminal Tribunals for Rwanda
and the former Yugoslavia



**BETTY KAARI MURUNGI
(KENYA)**

Advocate of the High Court of
Kenya



**NAVI PILLAY
(SOUTH AFRICA)**

Former UN High Commissioner
for Human Rights



DAPO AKANDE (NIGERIA)

Professor of Public International
Law, University of Oxford



**ABDUL TEJAN-COLE
(SIERRA LEONE)**

Former Executive Director of the
Open Society Initiative for West
Africa



**CATHERINE SAMBA-PANZA
(CENTRAL AFRICA
REPUBLIC)**

Former Transitional President
of the Central African Republic



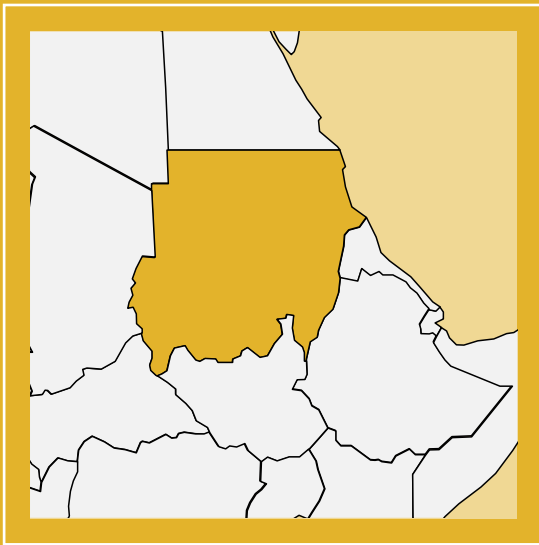
**TIYANJANA MALUWA
(MALAWI)**

H. Laddie Montague Chair
in Law, Pennsylvania State
University



AGJA STATEMENTS

The **Africa Group for Justice and Accountability** has been actively engaged in responding to ongoing developments in the realm of global justice and international criminal law. In November 2021, the Africa Group made a statement in response to the military coup in Sudan, in which AGJA calls on the authorities *“to recommit to democratic transition and justice”*.



Africa Group for Justice and Accountability: Recommit to Democratic Transition and Justice in Sudan

The Africa Group for Justice and Accountability (AGJA) strongly urges authorities in Sudan to recommit to the country's democratic transition and to the protection of fundamental human rights and freedoms.

Two weeks ago, the military took power in Sudan, arresting civilian leaders. The AGJA commends the ongoing efforts of the African Union under the leadership of President Olusegun Obasanjo, former President of the Federal Republic of Nigeria and AU High Representative for the Horn of Africa, as well as United Nations and others to find a mediated solution to the current crisis.

The Africa Group also expresses its profound concerns over reports of violence against protestors in Sudan. All actors responsible for illegally detaining, injuring and killing civilians during this time must be held to account. Demonstrators must be allowed to express their will without fear of excessive force or violent retribution.

AGJA also urges that Sudan's leaders recommit to working with international and regional actors in achieving justice and accountability for atrocities in Darfur as well as those related to the 2019 uprising against the regime of Omar al-Bashir. Whether at the International Criminal Court or in the proposed Special Court for Darfur, victims and survivors of atrocities in the country deserve to see perpetrators held to account.

Above all, the Africa Group stands in solidarity with the citizens of Sudan who, only two years ago, agitated for democratic change, a process of constitutional renewal, and civilian governance. The people of Sudan have shown remarkable courage in entering the streets to demand that their democratic aspirations and dignity be upheld. AGJA commends their commitment to justice and peace.

► November 2021, wayamo.com/archives/agjastatementsudan



AGJA ACTIVITIES

2021 marked a year of transition for AGJA. In December, the tenures of Chairperson Hassan Jallow (The Gambia) and Deputy Chairperson Athaliah Molokomme (Botswana) ended, and **Mohamed Othman** was elected as the new Chairperson, with **Fatiha Serour** (Algeria) as Deputy Chairperson.

Despite the ongoing COVID-19 pandemic, the continued imposition of lockdowns, and restrictions on travel, AGJA has been highly active and visible over the past year. In 2021, it held three online meetings, during which it discussed its ongoing projects in collaboration

with the Wayamo Foundation. These included participation in the training programme in Nigeria, as well as future projects in Sudan and elsewhere.

AGJA member **Dapo Akande** (Nigeria) was engaged in capacity-building workshops aimed at training Nigerian investigators and prosecutors on how to address allegations of mass atrocities. This was greatly appreciated by all participants involved. During the year, Akande was also elected to the International Law Commission.

In order to maintain its voice and presence, AGJA members participated in a number of online video galleries, in which they shared their views with audiences around the globe on matters of pressing concern in the sphere of international justice¹. In 2021, AGJA members continued their engagement in and with key international organisations. Three members — **Richard Goldstone** (South Africa), **Mohamed Othman Chande** (Tanzania), and **Hassan Bubacar Jallow** (The Gambia)— participated in the comprehensive review of the ICC, its record, its functioning, and its priorities. The final report was published on 30 September 2020. During and after this process, these members held meetings to consult with interested observers, experts, and civil society groups from around the globe. AGJA also reached out and warmly welcomed the new leadership at the ICC, including the new chief Prosecutor Karim Khan and the new President of the Assembly of States Parties, Silvia Fernández de Gurmendi. In September 2021, Mohamed Chande Othman was appointed Special Adviser without portfolio by the new ICC Prosecutor, Karim Khan.

¹ *kindly see page 41*



In addition, in July 2021, AGJA member **Navi Pillay** was appointed to the United Nations Human Rights Council's Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.

STRENGTHENING JUSTICE AND ACCOUNTABILITY IN NIGERIA



PROJECT DESCRIPTION

Context

Nigeria has been suffering from violent conflict between Boko Haram and government forces for over ten years. In 2010, the ICC commenced a preliminary examination into the situation in Nigeria, looking at allegations of crimes against humanity and war crimes committed by both Boko Haram and the Nigerian security forces. Its preliminary examination focused on the existence and genuineness of Nigerian national proceedings relating to these crimes. This is in line with the principle of complementarity, whereby the Court will only investigate serious crimes or prosecute an individual where the state concerned is unwilling or unable to do so itself. On 11 December 2020, the then Prosecutor announced the completion of her preliminary examination of the situation in Nigeria. The next step will be to request authorisation from the Pre-trial Chamber to open a formal investigation into the situation in Nigeria.

Project objective

Our capacity-building project, which started in December 2016, aims at strengthening justice and accountability in Nigeria, and enhancing domestic capacity to investigate and prosecute complex international crimes in a genuine manner, particularly through a comparative analysis of Rome Statute offences and the equivalent domestic crimes in Nigeria. The overall objective is to equip Nigerian prosecutors and investigators (civil and military) with the necessary expertise and skills to address serious and complex international, transnational and terrorism-related crimes under Nigerian criminal law, including crimes that may potentially fall under the jurisdiction of the ICC.



COMPLEMENTARITY

Capacity building of the Complex Casework Group



THE COMPLEX CASEWORK GROUP (CCG)

The CCG, a unit of 26 prosecutors coming under the Directorate of Public Prosecutions at the Ministry of Justice, is tasked with the prosecution of Boko Haram suspects involved in terrorist acts and human rights violations in the north-east of the country

December 2016

Wayamo started organising capacity-building training workshops for Nigerian prosecutors to equip them to address the most serious and complex crimes under Nigerian criminal law, including crimes that may potentially fall under the jurisdiction of the ICC.

February 2021

The CCG together with Wayamo began the process of jointly creating an electronic case-file database to serve as a repository for terrorism files and their corresponding judgements. Aside from serving as a filing system, the aim of the database is also to help the CCG build more complex cases which may address international crimes that fall under the jurisdiction of the ICC.

CCG training workshops organised by Wayamo in 2021:

- **5 February**, Abuja
- **17 May**, Abuja
- **25 May**, Abuja
- **9-11 August**, Epe
- **14-21 September**, Online
- **27 October - 3 November**, Online
- **29-30 November**, Abuja

Nigerian authorities have focused on charges of terrorism in their prosecution of Boko Haram members. Because terrorist crimes are adjudicated under federal law, it is the Federal High Court in Abuja that is in charge of the trials. The CCG, a unit of 26 prosecutors under the Federal Ministry of Justice, is the prosecuting authority for these cases. Between 2017 and 2018, the **Nigerian Federal Ministry of Justice**, acting through the **CCG**, conducted three rounds of trials against Boko Haram suspects. Several challenges were identified. For instance, due to a lack of evidence, prosecutors relied on charging suspects with membership of a terrorist organisation, a crime under Nigerian law, instead of charging them with additional crimes such as rape, murder, torture, etc. Prosecutors expressed the need to diversify their charges. As a result, the Wayamo Foundation organised and implemented capacity-building and training programming for the CCG, to help it effectively and efficiently build successful cases that deliver meaningful justice to victims and survivors. Through our close collaboration and capacity-building efforts, it became apparent that a major challenge

facing the CCG is the lack of a centralised case-filing and management system. Commencing in 2021, Wayamo, in tandem with the CCG, began the process of jointly creating an electronic case-file database to serve as a repository for terrorism files and their corresponding judgements. Aside from serving as a filing system, the aim of the database is also to help the CCG build more complex cases which may address international crimes that fall under the jurisdiction of the ICC. Wayamo will continue to push for the next series of terrorism trials in Kainji or Maiduguri, which have been postponed numerous times over the past two years.

Capacity building of the Serious Crimes Response Team

Wayamo has also been involved in efforts to ensure that the **Nigerian military** addresses allegations of serious human rights violations on the part of the armed forces. Accountability for military forces is essential in order to ensure maintenance of military discipline, operational effectiveness, and the credibility of both government and military vis-à-vis the civilian population. Any failure



to respond to allegations of criminal wrongdoing will necessarily have an adverse impact on Nigeria's international standing, and could render intervention by the ICC inevitable. During workshops in 2020, Wayamo held meetings with members of the Nigerian Navy, Army and Air Force, at which the officers attending expressed great interest in pursuing the establishment of a highly specialised team of military investigators and prosecutors. After months of correspondence, patience, trust-building meetings, and negotiations, in March 2021 Wayamo finally received the green light from Defence Headquarters to begin training a "Serious

Crimes Response Team" within the Nigerian military. The SCRT is tasked with investigating allegations of serious human rights violations (including alleged war crimes and crimes against humanity) committed by the Nigerian Armed Forces in their counter-insurgency campaign in the north-east of the country. At present, 21 military investigators and prosecutors from the army, navy and air force have been appointed as SCRT members. The Wayamo Foundation is specifically training the SCRT to investigate and prosecute alleged war crimes and crimes against humanity, both of which potentially fall under the jurisdiction of the ICC.

THE SERIOUS CRIMES RESPONSE TEAM (SCRT)

The SCRT is tasked with looking into allegations of serious human rights violations, including alleged war crimes and crimes against humanity, committed by the Nigerian Armed Forces in their counter-insurgency campaign in the north-east of the country

March 2021

Appointment of the first SCRT members by the Nigerian Chief of Defence Staff.

July 2021

The Chief of Defence Staff agrees to appoint 9 more members, to come up to a total of 21 military investigators and prosecutors from the army, navy and air force.

SCRT training workshops

organised by Wayamo in 2021:

- 25 May, Abuja
- 11-13 August, Epe
- 1-3 December, Abuja

Inter-agency collaboration

A further challenge identified by Wayamo in the course of our programming relates to the availability of credible evidence with high probative value. In order for prosecutors to diversify their charges, investigators must seek, obtain and store a wide range of evidence. Greater coordination and cooperation among relevant Nigerian investigation and prosecution authorities and law enforcement agencies is thus required. This is particularly true for international crimes which, owing

to their complex and systemic nature, are notoriously difficult to investigate and prosecute. In response to this challenge, Wayamo has been promoting inter-agency cooperation by bringing together prosecutors from the CCG, investigators from the Joint Investigation Centre in Maiduguri, and military investigators and prosecutors during high-level meetings and capacity-building workshops.



Mentoring

Mentoring comes as a complement to training workshops, and provides for the implementation of specialised, tailored capacity building while enhancing local ownership. The aim is to build sustained domestic capacity in Nigeria by enhancing existing international criminal law knowledge possessed by investigators and prosecutors, thereby further equipping them to impart these knowledge to their colleagues in their daily work. Wayamo conducted several mentorship sessions with

CCG staff in 2021. The first of these took place in August 2021 at Epe Resort, Lagos, with Rebeka Juhosová, legal researcher and data-management expert at Wayamo. Both she and Kris Kotarski, Wayamo's Digital Programmes Manager then organised an online follow-up mentoring session over the course of one week in September. This practice sessions concluded in early December with Kris Kotarski going out to Abuja to coach the CCG on the use of digital assessment forms.

Partners

During the time that Wayamo has been conducting workshops with the **Nigerian Armed Forces** and the **Nigerian Federal Ministry of Justice**, through the CCG, it has made significant inroads by using its good offices to mediate the ongoing dialogue between the Nigerian authorities and ICC staff.

Our capacity-building efforts have been acknowledged by the **Office of the Prosecutor of the ICC**, with our

work in Nigeria being mentioned in several Preliminary Examination Reports published by the Court. Wayamo has continued its cooperation with the OTP throughout 2021, mainly through inviting representatives of the Situation Analysis Section, responsible for the OTP's preliminary examinations, to participate regularly in various workshops to provide an overview of the potential cases that have been identified for admissibility assessment purposes.

Project beneficiaries

The project has four target groups, namely:

- Prosecutors from the Complex Casework Group, a specialised unit coming under the Directorate of Public Prosecutions
- Investigators from the Joint Investigation Centre, Maiduguri
- Investigators and prosecutors of the “*Serious Crimes Response Team*” within the Nigerian military
- Journalists

Wayamo asked prosecutors belonging to the CCG what they had learnt in our capacity-building workshops, what the impact had been, and how it had affected their work:



Media component

Wayamo has been holding media engagements with Nigerian journalists since 2020. The objective is to strengthen journalists' reporting skills and build knowledge on critical justice-related issues affecting the region, ranging from the role of the ICC in Nigeria to security challenges and domestic prosecution of alleged Boko Haram members, with the ultimate goal of raising awareness about the continued importance, not only of accountability for core international crimes, but also of responsible, knowledgeable and accurate journalism. In February 2020, the group of Nigerian journalists specialising in justice issues came together to start the “*Justice and Accountability*” WhatsApp network group. Our media engagements continued in 2021 as highlighted on pages 25 and 28 of this Report.



Overview of all training activities in Nigeria since December 2016

2016



14 TRAINED PARTICIPANTS

1 capacity-building workshop for prosecutors

2017



68 TRAINED PARTICIPANTS

3 capacity-building workshops for civil and military investigators and prosecutors

2018



68 TRAINED PARTICIPANTS

2 capacity-building workshops for civil and military investigators and prosecutors
1 Training-of-Trainer workshop

2019



57 TRAINED PARTICIPANTS

1 capacity-building workshop for civil and military investigators and prosecutors
2 Training-of-Trainer workshops

2020



93 TRAINED PARTICIPANTS

1 capacity-building workshop for civil and military investigators and prosecutors
2 Training-of-Trainer workshops
1 media workshop
1 high-level meeting on inter-agency collaboration

2021



214 TRAINED PARTICIPANTS

9 capacity-building workshop for civil and military investigators and prosecutors
1 Training-of-Trainer workshop
2 media workshops

Participants attended more than one workshop.

2021 ACTIVITIES

In 2021, Wayamo organised and conducted seven capacity-building workshops for the CCG, four capacity-building workshops for the military and the SCRT, one Training-of-Trainer workshop, and two media engagement workshops.

4 FEBRUARY 2021, ABUJA

First joint international criminal law and international humanitarian law course with the Nigerian Institute of Advanced Legal Studies

On 4 February 2021, the Wayamo Foundation and the **Nigerian Institute of Advanced Legal Studies (NIALS)** held their first joint international criminal law (ICL) and international humanitarian law (IHL) course in Abuja, Nigeria.

The main objective of this course was to further equip Nigerian institutions with the necessary skills and knowledge to train their network of legal practitioners and relevant actors in ICL and IHL. Wayamo and NIALS' philosophy is to combine the provision of knowledge with a 'Train-the-Trainer' component, with knowledge and delivery being seen as a package.

The meeting was personally attended by members of three different institutions, namely, NIALS, the CCG and International Law Department of the **Ministry of Justice**, and the National Judicial Institute. A limit was placed on the number of participants per institution, in order to ensure that social distancing regulations would be observed throughout the course.

The event was officially opened by Wayamo Director, Bettina Ambach, and NIALS Director-General, **M.T. Ladan**. The opening remarks were followed by two pre-recorded lectures: **Dapo Akande**, Professor of Public International Law, University of Oxford, delivered an



‘Introduction to international criminal law’, and then joined the session via Zoom to answer participants’ questions; and **Sarah Nouwen**, Professor of International Law at the European University Institute, Florence (on leave from the University of Cambridge), spoke on ‘The International Criminal Court (ICC) and the principle of complementarity’, an issue particularly relevant to Nigeria in light of the December 2020 decision of the Office of the Prosecutor of the ICC to seek authorisation to open an investigation in Nigeria.

After a short coffee break, **Linda Bore**, International Justice lawyer at Wayamo, joined participants via Zoom to discuss ‘The fundamentals of international humanitarian law’. The focus shifted back to Abuja as **Charles Adeogun-Phillips**, Partner at Charles Anthony LLP and Former Lead International Prosecutor, took the podium to discuss ‘International fair trial standards: defendant’s rights during criminal proceedings’.

The afternoon kicked off with **Claus Molitor**, OTP Situation Analyst, talking to participants via Zoom about the current state of the relationship between the ICC and Nigeria. The last session of the day consisted of a pre-recorded lecture by **Sofia Candeias** (UN Team

of Experts on the Rule of Law and Sexual Violence in Conflict, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict) on the investigation and prosecution of conflict-related sexual violence, followed by a live Zoom Q&A session during which Sofia Candeias was joined by **Adejoké Babington-Ashaye**, International Law Specialist and former investigator at the ICC.

The course was received very positively, being alternately described as ‘stimulating’, ‘excellent’, ‘insightful’, ‘educative’, ‘eye opening’ and ‘much needed’. One participant went as far as to describe the course as ‘the best Wayamo training I have attended so far’, while another summed up his experience as ‘theoretically and practically relevant, and delivered by a very cerebral and competent faculty’. Perhaps the single most inspiring comment, however, was to the effect that, ‘this training is great, not just as a means of sensitising stakeholders. It also serves as a call to service to every individual in attendance’. Participants’ interest in and commitment to questions relating to ICL and IHL are a positive development, in light of the unfolding ICC-Nigeria situation, with the very real potential of a formal investigation being opened in the near future.

5 FEBRUARY 2021, ABUJA

Capacity-building workshop for civil and military investigators and prosecutors on the creation of an electronic case-file database and the use of Intella software for evidence management

On 5 February 2021, the Wayamo Foundation launched its next project: the creation of an electronic case-file database within the **Complex Casework Group** under the **Directorate of Public Prosecutions**. The Abuja workshop followed a hybrid model, with CCG members attending in person, and the majority of the experts – both international and Nigerian – joining the event via Zoom.

The electronic case-file database will initially serve as a repository for terrorism files and their corresponding judgements. With time, it is envisaged that it will develop into an efficient and comprehensive electronic case-management system. In addition, it could serve as an evidence storage site that would allow the CCG prosecution coordinator to have an overview of criminality in the north-east, plus all evidence collected up until the present. The database will also serve to build more complex cases which may address

international crimes that fall under the jurisdiction of the ICC.

The event was officially opened by Wayamo Director, Bettina Ambach, and by Deputy Director of Prosecutions and Head of Complex Casework Group, **Chioma Onuegbu**, on behalf of Director of Public Prosecutions, Muhammed Umar, who was unfortunately unable to attend. On unveiling and donating a special scanner to the CCG for evidence-scanning purposes, Bettina Ambach announced that an evidence-management software package and specialised training on how to use it would follow within a fortnight or so.

After delivering a 20-minute video lecture on ‘Evidence management, metadata completion and case-file metadata analysis’, legal researcher and data-management expert **Rebeka Juhosová** then joined participants via Zoom to answer questions. She was



followed by **Akingbolahan Adeniran**, Attorney-General and Commissioner for Justice of Ogun State, Nigeria, who was present in person and spoke on the subject of 'Electronic databases and successful prosecution coordination'. His presentation was highly interactive in nature, characterised by group exercises and an open flow of conversation throughout.

Michael Lees, former OTP Head of Knowledge Management, Information and Evidence, joined the workshop via Zoom to go through 'The first steps to set up an electronic case-files/evidence database'. Next up was **Sofia Candeias**, UN Team of Experts on the Rule of Law and Sexual Violence in Conflict, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, who addressed the use of electronic evidence from a very particular angle, i.e., to build conflict-related sexual violence cases.

In the afternoon, Wayamo lined up two more Zoom sessions. On the other side of the Atlantic, **Jay Morse**, retired U.S. Army Lieutenant Colonel judge advocate,

and Founder of Faro International devoted the early hours of his day to speak to participants about witness and suspect interrogation. Similarly, **Don Cinnamond**, Former Clerk of Court for two U.S. district courts, former legal reform advisor and court administration advisor in Africa, Europe, and Asia, also got up early to deliver a presentation and answer questions on electronic court management systems and their advantages.

The workshop was wrapped up by **Akingbolahan Adeniran**, who took the participants, step by step, through the process to be implemented by the CCG in order to get the project of creating an electronic case-file and evidence database off the ground.

The comments in the course evaluations provided valuable insight. One participant said that 'the creation of the electronic case-file database might take time but we will get there.' Another pointed out that 'organising details about various cases with the help of technology is paramount to putting things into perspective and can help the Ministry in the future'. More poignantly,

however, one participant wrote that ‘it is only our little beginning’. Indeed, this project launch represents only the first step of an ambitious, long-term venture to digitalise case files and evidence, something that will hopefully enable prosecutors to build more thorough

and better researched terrorism cases, which will also address ICC criminality. The will and determination of the participants is there, and the end goal is clear: to further strengthen justice and accountability in Nigeria.



9 FEBRUARY 2021, ABUJA

Media engagement

On 9 February, Wayamo hosted its second media engagement for journalists who work on issues pertaining to international criminal justice and accountability. The event followed a hybrid model, with journalists attending from Abuja, Nigeria, and the majority of the experts joining participants via Zoom.

The meeting was personally attended by a number of journalists affiliated to different Nigerian media houses, including **Voice of Nigeria, Nigerian Television Authority, Daily Trust, News Agency of Nigeria, and Premium Times**. The number of attendees was limited to ensure observance of social distancing regulations.

The event was officially opened by Wayamo Director, **Bettina Ambach**. Her opening remarks were followed

by two pre-recorded lectures: **Dapo Akande**, Professor of Public International Law, University of Oxford, gave an ‘Introduction to international criminal law’, which -as the evaluations subsequently revealed- was perceived as being incredibly useful by the journalists, in terms of providing them with a comprehensive overview of the most important legal foundations needed to address issues pertaining to international criminal law; and **Claus Molitor**, Situation Analyst, Office of the Prosecutor, ICC, gave an overview of the current state of affairs between Nigeria and the ICC.

After a short tea break, **Philipp Ambach**, Chief, Victims Participation and Reparations Section, ICC, joined the participants for a live Zoom Q&A session, which served as a useful opportunity for both sides to discuss the

ICC's approach to victim participation, and to raise many of the international criminal law issues that had surfaced during the day. The last session consisted of a pre-recorded lecture by **Judie Kaberia**, Wayamo Coordinator for East Africa, on the media's response to the ICC cases in Kenya (2010- 2016), followed by a live Zoom Q&A hosted by Judie Kaberia and **Kris Kotarski**, Wayamo's Digital Programmes Manager.

Bettina Ambach brought the day's proceedings to an end with a critical analysis of recent Nigerian newspaper articles on the ICC and some brief closing remarks.

The event was very positively received, with participants describing it as 'extremely enlightening', 'revealing', 'inspirational', 'helpful, educating and enriching'. The meeting, it seems, helped clarify some important points regarding the relationship between the ICC and Nigeria. As one participant wrote, 'I understand

that Nigeria's cases at the ICC are at the interim phase and what it implies for the future of Nigeria'. Similarly, another participant said, 'I understood that the ICC's decision to open an official investigation against Boko Haram and the Nigerian military is still reliant on certain approvals within The Hague to proceed further up the prosecutorial ladder.' A second message that Wayamo hoped journalists would take home was aptly summarised by the comment that 'the event emphasised cooperation among reporters; which is hard to come by in a fast-paced media era of competition, editorial bias and differences'. The only shortcoming was apparently the lack of time to address all the topics in which the journalists were interested. In future, participants said that they wished to see additional topics addressed, such as 'a session with other parties apart from journalists', 'the military and judiciary sharing their side of the story regarding criminal cases', and 'gender-based violence and crimes'.





17 MAY 2021, ABUJA

Capacity-building workshop for civil prosecutors from the Complex Casework Group on the electronic case-file database and the use of Intella software for evidence management

On 17 May 2021, the Wayamo Foundation held a workshop on the creation of an electronic case-file database and the usage of digital evidence in international criminal investigations within the **Complex Casework Group**. The Abuja workshop followed a hybrid model, with CCG members attending in person, and the majority of the experts -both international and Nigerian- joining the event via Zoom.

The event was officially opened by Wayamo Director, Bettina Ambach, and by Deputy Director of Prosecutions and Head of the CCG, **Chioma Onuegbu**, who spoke on behalf of both the **Minister of Justice and Attorney-General of the Federation**, and the **Director of Public Prosecutions of the Federation**. Bettina Ambach used the opportunity to unveil and donate the evidence-management software package (Intella) and a new computer to enable the CCG to make the most of its new Intella software.

Akingbolahan Adeniran, Attorney-General and Commissioner for Justice of Ogun State, started the day with an in-person presentation on the challenges and priorities of creating the CCG's electronic database. His presentation was practically oriented, and characterised by group exercises and an open flow of dialogue throughout. He was followed by Rebeka Juhosová, legal researcher and data-management expert, who was physically present, and **Kris Kotarski**, Digital Programmes Manager at the Wayamo Foundation, who joined the proceedings via Zoom. Together, they provided introductory sessions on case-file metadata analysis, case-filing systems and the Intella software. Next up was **Arinze Emeka**, certified digital forensic attorney and director of the Digital Evidence & Cyber Forensic Institute, who was attending in person and took the participants through 'electronic documents and the criminal process under the Nigerian Evidence Act 2011'.

In the afternoon, Wayamo lined up a number of Zoom sessions. All the way from The Hague, **Claus Molitor**, Situation Analyst, Office of the Prosecutor, ICC, and **Dahirou Sant-Anna**, Cooperation Adviser, Office of the Prosecutor, ICC, gave an overview of the current state of affairs between Nigeria and the ICC. Moving on to the usage of digital evidence in international criminal investigations, **Wendy Betts**, Director of Eyewitness to Atrocities, devoted the early hours of her day to speak to participants about photo and video footage contributing to justice. Similarly, **Lindsay Freeman**, Law and Policy Director, Technology and Human Rights Program, UC Berkeley Human Rights Center, rose early to discuss new approaches to digital open-source investigations.

The workshop was wrapped up by **Benes Aldana**, President and CEO of the National Judicial College in

Nevada, who delivered a short presentation on 'Not strong men, strong institutions: why Nigeria's future depends on the rule of law'.

The comments in the evaluations provided valuable insight. The workshop was received very positively, being alternately described as 'educative', 'insightful', 'interesting', 'eye-opening', 'interactive', 'challenging', and 'forward-thinking'. One participant said that *"the training helped us to see some of the gaps that are still in our system and also helped to develop practical solutions and a way forward."* Along similar lines, another participant wrote, *"I can now do on my own a lot of the things I learnt today. The moment our software is operational, I will not hesitate to start using it."* Most participants agreed that the time to embrace electronic case-filing and using digital evidence was 'now', and that the CCG should 'set the pace' in this endeavour.

21 MAY 2021, ABUJA

Media engagement

On 21 May, Wayamo hosted its third media engagement for journalists who work on issues pertaining to international criminal justice and accountability.

The event followed a hybrid model, with journalists attending from Abuja, Nigeria, and the majority of the experts joining via Zoom.



The meeting was personally attended by a number of journalists affiliated to different Nigerian media houses, including the **Voice of Nigeria, Nigerian Television Authority, Daily Trust, News Agency of Nigeria, and Premium Times**. Wayamo made every effort to ensure that the participants remained roughly the same as during past engagements, so that conversations could build on prior knowledge and the journalists concerned could become experts in the field.

The event was officially opened by **Bettina Ambach**, Wayamo Director, and **Joseph Roberts-Mensah**, Wayamo Africa Director. Their opening remarks were followed by two Zoom sessions: **Sofia Candeias**, UN Team of Experts on the Rule of Law and Sexual Violence in Conflict, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, addressed the investigation and prosecution of conflict-related sexual violence; and **Philipp Ambach**, Chief, Victims Participation and Reparations Section, ICC, explained how a case moves through the procedural phases before the ICC.

Following a short tea break, **Chioma Onuegbu**, Deputy Director of Prosecutions and Head of Complex Casework Group, Federal Ministry of Justice, and **Matthew Odu Una**, Federal Prosecutor and Head of Secretariat of the CCG, joined the participants in person

to brief them on the work of the CCG, including the challenges, limitations and expectations of the media.

After lunch, Joseph Roberts-Mensah conducted an exercise session on 'reporting sexual and gender-based violence: ethics, obligations and standards'. During the last session of the day, **Claus Molitor**, Situation Analyst, Office of the Prosecutor, ICC, and **Dahirou Sant-Anna**, Cooperation Advisor, Office of the Prosecutor, ICC, joined participants via Zoom to provide them with an update on the current Nigeria-ICC relationship, and answered all the questions that the participants posed.

The event was very positively received, with participants describing it as 'interesting', 'helpful', 'educating', 'well-delivered', 'eye-opening', 'illuminating', and 'highly interactive'. One of the highlights of the day seemed to be the information received on conflict-related sexual violence. As one participant put it, *"the workshop gave me more insight into the challenges associated with writing about sexual and gender-based violence. It also highlighted the importance of building trust with the victim/survivor, and reporting with ethical considerations."* Overall, another participant wrote, *"Wayamo Foundation training is a 'must have' for African journalists who aspire to develop expertise in covering international criminal prosecutions."*

25 MAY 2021, ABUJA

First capacity-building programme for members of the proposed Serious Crimes Response Team (a highly specialised unit of military investigators and prosecutors)

At previous Wayamo workshops, representatives of the **Nigerian Navy, Army and Air Force** discussed the possibility of setting up a highly specialised unit of military investigators and prosecutors, who would be specifically trained to investigate and prosecute alleged war crimes and crimes against humanity, both of which potentially fall under the jurisdiction of the ICC.

As a result of these discussions, Wayamo had planned to host its first capacity-building programme for members of the proposed Serious Crimes Response Team on 24 and 25 May 2021. Due to the tragic death on 21 May of Nigeria's Chief of Army staff, Lt. Gen. Ibrahim Attahiru and 10 other officers in a plane crash, 24th May was declared a national day of mourning.

The workshop was thus reduced to a one-day training session on 25 May. The event followed a hybrid model, with members of the military attending in person, and the majority of the experts joining participants via Zoom.

The event was officially opened by **Bettina Ambach**, Wayamo Director, and **Commodore Nimyel**, Director of Legal Services, Defence Headquarters. A brief introductory session and discussion amongst the participants was followed by a pre-recorded video lecture by **Brigadier-General (Ret.) Ken Watkin**, QC, former Judge Advocate General of the Canadian Armed Forces, on the importance of accountability within the military. Building on Brigadier-General Watkin's



presentation, **Captain Ian Park**, Royal Navy, United Kingdom, then joined the group via Zoom to discuss how to investigate and prosecute international crimes committed by the armed forces.

After a short tea break, **Dapo Akande**, Professor of Public International Law, University of Oxford, joined the participants via Zoom with an introduction to international criminal law. The focus shifted back to Abuja as **Olivier Chal  roux**, Delegate to the Armed Forces, International Committee of the Red Cross, took the podium to deliver an introduction to international humanitarian law.

The afternoon kicked off with **Claus Molitor**, OTP Situation Analyst, ICC, and **Azra Ku  i**, OTP Associate Legal Officer, ICC, talking to participants via Zoom about the current state of the relationship between the ICC and Nigeria. They were followed by **Major Aminu Mansur Mairuwa**, Military Assistant-Director Legal Service, Defence Headquarters/Legal Officer, who briefly spoke about courts-martial in Nigeria.

Akingbolahan Adeniran, Attorney-General and Commissioner for Justice of Ogun State, had planned to speak on international criminal investigations but,

due to a poor internet connection, **Charles Adeogun-Phillips**, Partner at Charles Anthony LLP and Former Lead International Prosecutor, who was present in the room, took the podium and addressed some of the points that Mr. Adeniran had tried to make.

The last session of the day consisted of a live Zoom Q&A hosted by Brigadier-General (Ret.) Ken Watkin on 'Accountability, oversight and integrity in the military'. His pre-recorded video had been played in the morning, and the participants used the opportunity to ask him questions about aspects that had come up during his session, along with some broader issues that had arisen over the course of the day.

The event was very positively received, with one participant describing it as *"educative and very important as well as necessary for the members of the Armed Forces and Nigeria in general."* According to another participant wrote, the lectures had alerted them to *"the need to carry out investigations once allegations of human rights violations are made."*

In particular, Ken Watkin's lecture on accountability, oversight and integrity in the military, Dapo Akande's lecture on international criminal law, and Ian Park's

lecture on the investigation and prosecution of international crimes committed by members of the Armed Forces, resonated with many participants. The lectures were viewed as 'eye openers' and as an inspiration to take action. One participant pointed out that *"complementarity in the prosecution of international crimes, either by the ICC or by domestic prosecutions, is central."*

Although one participant favoured greater interaction with the ICC and wrote that *"there should be collaboration between the Nigerian military and the ICC on the prosecution of war crimes"*, a few participants also voiced criticism and argued that *"the allegations of war crimes committed by the Nigerian Army, especially in the Baga incident, did not reflect the actual facts of*



what transpired." Another participant urged that more understanding be shown towards the military, which was operating under *"very complicated circumstances in the north-east."*

Unfortunately, due to the declaration of a national day of mourning and the cancellation of one of the two workshop days, some topics and questions remained unaddressed. A subsequent SCRT workshop (scheduled to take place in August 2021) was therefore extended by an extra day to address topics such as the legal basis for military investigations/trials, command responsibility, the investigation and prosecution of

conflict-related sexual violence, and an introduction to battlefield evidence, as well as a discussion on the next practical steps to be taken to ensure that the idea of creating a *"Serious Crimes Response Team"* takes shape and eventually becomes functional and operational. *"Wayamo"* one participant wrote, *"has taken the bull by the horns, by making serious efforts in putting together a team that will ensure independent and impartial investigations and prosecutions of serious crimes."*

9-11 AUGUST 2021, EPE

Capacity-building workshop for civil prosecutors from the Complex Casework Group on the electronic case-file database and the use of Intella software for evidence management

From 9 to 11 August 2021, the Wayamo Foundation held a workshop on the creation of an electronic case-file database within Nigeria's **Complex Casework Group**, covering aspects ranging from the case-filing system to a purpose-designed ICC criminality assessment form

and optimal use of Intella software. The workshop in Epe, Lagos followed a hybrid model, with CCG members and local experts attending in person, and international experts joining the event via Zoom.



The event was officially opened by Wayamo Director, **Bettina Ambach**, Assistant Director of Prosecutions **Ahmadu Shehu Mainasara**, appearing on behalf of the **Minister of Justice and Attorney-General of the Federation**, and **Nigerian Director of Public Prosecutions**, Mr. A. M. Babadoko.

A two-man team, made up of the CCG's scanning and digitisation expert, **Raphael George**, and CCG Prosecutor, **Matthew Odu Una**, started the day with a presentation on the digitisation process, during which they outlined the work completed and the road ahead.

After a short tea break, they were followed by **Rebeka Juhosová**, legal researcher and data-management expert, who devoted the remainder of the day to hands-on Intella training. Her session was practically oriented, and characterised by group exercises and an open flow of dialogue throughout.

Day 2 began with **Kris Kotarski**, Digital Programmes Manager, Wayamo Foundation, joining the group via Zoom to present the CCG case-assessment form, an electronic document purpose-designed to help CCG prosecutors better address ICC criminality on their

charge sheets. Next up was International Law specialist and former ICC investigator, **Adejoké Babington-Ashaye**, who, by combining her lecture with practically oriented group exercises, took the participants through the process of drafting charges that address ICC criminality.

The day was then wrapped up by Kris Kotarski, who re-joined the group via Zoom to deliver a session aimed at bringing together the knowledge acquired throughout the two days and appropriately entitled, *“Building a digital workflow for the CCG: digital case-filing system, the CCG assessment form for ICC criminality and Intella”*.

On the third and final day of the programme, the CCG was joined by 19 officers belonging to the **Nigerian Armed Forces**. A brief introductory session and discussion amongst the participants was followed by an in-person lecture on international criminal investigations, given by Adejoké Babington-Ashaye.

The afternoon kicked off with **Olawale Fapohunda**, Ekiti State Attorney-General and Commissioner for Justice, talking to participants about the importance of military compliance with human rights. After a short tea break, he was followed by **Mark Kersten**, Senior Consultant at the Wayamo Foundation, who spoke on the principle of complementarity and its relevance in

Nigeria. The day was brought to a close with a brief presentation by Matthew Odu Una, who confirmed that the CCG was ready to proceed with the next batch of trials of suspected Boko Haram members. In a spirit of collaboration, he asked the military to help ensure that all the necessary preparations were made for these trials to be held as soon as possible.

The comments in the evaluations provided valuable insight. The workshop was received very positively, being alternately described as *“very educative”*, *“relevant”*, *“eye-opening”*, *“exciting”*, *“extremely useful”*, *“stimulating, robust, forward-looking, engaging and extremely insightful”*. One participant even said that the workshop *“can be judged as my best training in a long time”*.

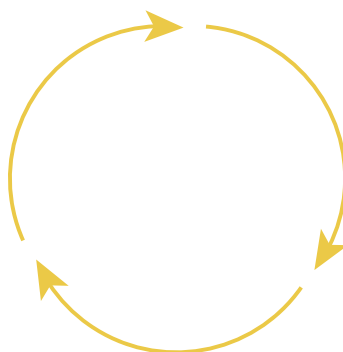
Maybe most importantly, the workshop reminded participants of *“the extent and importance of the work being done and the need to give it the seriousness that it deserves”*. For another participant, *“it served as a reminder that we can keep the ICC away if we persist in the prosecution of our terrorism cases”*. The discussions and presentations would therefore appear to have encouraged the participants to continue working hard towards achieving the goals set. *“They may seem like baby steps”*, wrote one participant, *“but they will all be worth it. It is the bigger picture that matters.”*

CCG DIGITAL WORKFLOW

Building new digital workflows, and identifying potential ICC Criminality in ongoing and concluded case files

CCG Prosecutors use tools like the ICC Criminality Form to identify cases of interest for CCG Prosecution Coordinator. (works with paper case files too)

CCG Digitisation Team scans and retypes cases and saves them in the CCG File System built by and for CCG colleagues.



CCG Prosecutions Coordinator oversees the workflow
 ▶ *Can share up-to-date information and statistics with others*

Teams of **CCG Prosecutors** work on Intella to look for connections and analyse evidence.

11-13 AUGUST 2021, EPE

Second capacity-building programme for members of the proposed Serious Crimes Response Team (a highly specialised unit of military investigators and prosecutors)

The second SCRT training session took place over the span of three days: from 11 to 13 August 2021, participants and local experts gathered at Epe Resort in Lagos, with some international experts joining via Zoom. The goal was two-fold: on the one hand, to further enhance team members' knowledge of and expertise

in relevant topics relating to international criminal law and international humanitarian law; and on the other, to explore the next practical steps to be taken towards ensuring that the SCRT takes shape as projected and eventually becomes fully functional and operational.



On the first day, two institutions were present, namely, the **Nigerian Federal Ministry of Justice** and the **Nigerian Armed Forces**. The event was officially opened by **Bettina Ambach**, Wayamo Director, **Brig. Gen. SI Musa**, Director of Legal Services, Defence Headquarters, **Olawale Fapohunda**, Ekiti State Attorney-General and Commissioner for Justice, and **Ahmadu S Mainasara**, Assistant Director of Prosecutions. A brief introductory session and discussion amongst the participants was followed by an in-person lecture by International Law specialist and former ICC investigator, **Adejoké Babington-Ashaye**, on international criminal investigations.

The afternoon kicked off with Olawale Fapohunda talking to participants about the importance of military

compliance with human rights. After a short tea break, he was followed by **Mark Kersten**, Senior Consultant at the Wayamo Foundation, who spoke on the principle of complementarity and its relevance in Nigeria. The day was brought to a close with a brief presentation by **Matthew Odu Una**, Prosecutor, Complex Casework Group, Federal Ministry of Justice, who confirmed that the CCG was ready to proceed with the next batch of trials of suspected Boko Haram members. In a spirit of collaboration, he asked the military to help ensure that all the necessary preparations were made for these trials to be held as soon as possible.

Day 2 commenced with a practical three-hour session on battlefield evidence, given by **Alan Edwards**, UK Expert on Serious and Organised Crime Investigations.

After lunch, **Lt. Col. RJ Bakare**, Nigerian Army School of Legal Services, Zaria, and **Commander HB Yusuf**, Special Investigation Bureau Naval Headquarters, delivered presentations on military investigations. The day was brought to a close by **Sofia Candeias**, UN Team of Experts on the Rule of Law and Sexual Violence in Conflict, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, who joined participants via Zoom to discuss the investigation and prosecution of conflict-related sexual violence crimes.

On the final day, **Captain Ian Park**, Royal Navy, United Kingdom, joined participants via Zoom to deliver a short presentation and field questions on command responsibility and the distinction between international and non-international armed conflict. Lastly, **Akingbolahan Adeniran**, Attorney-General and Commissioner for Justice of Ogun State, Nigeria, and **Charles Adeogun-Phillips**, Partner, Charles Anthony LLP and former Lead International Prosecutor, joined the group to discuss the proposed role of the SCRT.



Working together with the participants, they came up with a set of short- and long-term measures to ensure that the unit becomes fully operational.

The comments in the evaluations provided valuable insight. The workshop was received very positively, being alternately described as “very educative”, “inspiring”, “awakening”, “thought-provoking” and “brave in the content it tried to deliver”. One participant said that the training was “one of the best workshops I have ever attended. The resource persons brought their experiences to bear with practical illustrations and deep insights into the topics discussed”.

Above all, the second workshop seemed to clear up some misconceptions about what the SCRT should actually become and the exact role it should play. As one participant put it, “the workshop has unequivocally cleared my doubts on the role of the SCRT. The SCRT will, amongst other things, address the allegations of the ICC Office of the Prosecutor against the Nigerian Security Forces”. The workshop also reinforced the need, another participant wrote, “to be more transparent with what the military is doing to address allegations of human rights violations”.



14-21 SEPTEMBER 2021, ONLINE

Capacity-building workshop for civil prosecutors from the Complex Casework Group on the electronic case-file database and the use of Intella software for evidence management

Between 14 and 21 September 2021, the Wayamo Foundation held a series of training sessions for prosecutors from Nigeria's **Complex Casework Group** focusing on their new case-filing system and the use of Intella software for evidence management.

The series of small-group sessions were held online, and featured instruction from **Kris Kotarski**, Digital Programmes Manager, Wayamo Foundation and **Rebeka Juhosová**, legal researcher and data-management expert. **Raphael George**, the CCG's in-house digitisation expert, also assisted in the training,

which delivered tailor-made instruction to small teams prosecutors nominated by the CCG.

Over the span of a week, 18 CCG members received hands-on training on Intella software, which included a mix of individual and group exercises focusing on adding new cases, building a searchable database, and using Intella's search tools to find connections in uploaded documents. The sessions concentrated on helping prosecutors with different levels of computer skills to gain the confidence to use digital tools when building terrorism cases.

26 OCTOBER - 3 NOVEMBER 2021, ONLINE

Capacity-building workshop for prosecutors from the Complex Casework Group on the ICC criminality assessment form

From 26 October 2021 to 3 November 2021, the Wayamo Foundation held a series of training sessions for 18 prosecutors from Nigeria's **Complex Casework Group**, focusing on using new digital case assessment tools developed by the Wayamo Foundation to identify cases that touch on potential international crimes.

Over the span of a week, Wayamo's Digital Programmes Manager, **Kris Kotarski**, and senior CCG Prosecutor and

digital projects lead, **Matthew Odu Una**, led small teams of prosecutors through a mix of live demonstrations and group exercises using both live and concluded CCG cases. Throughout the training, the prosecutors used the digital assessment tools to identify potential international crimes in their case files; cases and questions for additional investigation; and relevant paragraphs which can be used to address those crimes under Nigerian law.



29-30 NOVEMBER 2021, ABUJA, NIGERIA

Capacity-building workshop for civil prosecutors and investigators on the creation of an electronic case-file database

From 29 to 30 November 2021, the Wayamo Foundation brought together prosecutors from the **Complex Casework Group** and investigators from the **Joint Investigation Centre** and **7 Military Investigations Bureau**, as a practical step aimed at *“enhancing interagency collaboration to bring the electronic case-file*

database for terrorism files to fruition”. In order for this newly created database and its case- and evidence-management software to attain their combined potential, investigators and prosecutors need to collaborate from the earliest stages of an investigation. This database will also serve to build more complex

cases which may address international crimes that fall under the jurisdiction of the ICC.

A review of progress made to date and the workings and possibilities of the electronic case-file database was left to **Raphael George** and **Kris Kotarski**, while the CCG's **Matthew Odu Una** explored its prospects and challenges, and in so doing came to better understand the problems facing and the stance taken by those on the investigation side of the equation. A most rewarding development during this first workshop was the UNODC's announcement that it was so impressed by what Wayamo was doing, that it had decided to purchase computer equipment to support the case-management system.

Evidence was addressed from different angles: **Colonel Emmanuel Onyekachi Ugwu** and Tanya Mehra dealt with battlefield evidence, **Tom Parker** (UNODC) and Wayamo Director **Bettina Ambach** conducted a highly successful metaplan exercise in evidence collection, **Adejoké Babington-Ashaye** spoke with great authority on evidence to build conflict-related sexual violence cases, and **Kris Kotarski** showed how to use digital assessment forms to flag investigations that include sexual violence crimes.

The frontline investigators and CCG prosecutors showed a real willingness to reach a mutual understanding of the other side's needs and make the electronic case-file database a true working asset.

1-3 DECEMBER 2021, ABUJA

Third capacity-building programme for members of the proposed Serious Crimes Response Team (a highly specialised unit of military investigators and prosecutors)

From 1-3 December 2021, the Wayamo Foundation held a workshop entirely military in nature, and centred on the ongoing project of creating a **Serious Crimes**

Response Team. This marked the third time the group had met at the initiative of the Wayamo Foundation.



Brigadier General Musa, Director of Legal Services at Headquarters spoke on courts-martial in Nigeria, and **Commander Emeruwa** explored investigation and prosecution under the Nigerian military system. Beamed in via Zoom, **Captain Ian Park** gave a meticulous account of the rules of engagement, and **Dapo Akande**, eminent Oxford Professor and newly elected member of the International Law Commission, led a thought-provoking discussion on charging serious crimes under domestic military law or as a war crime.

Arguably the most delicate subject on the agenda, that of Nigeria and the ICC, was left to ICC analyst **Claus Molitor**, and later that same day, to **Adejoké Babington-Ashaye** who gave a masterful presentation on *“Addressing the allegations related to the military: challenges and opportunities”*. The SCRT participants were likewise fascinated to hear from **Andrew Cayley** on *“The role of the Iraq Historic Allegations Team and*



the Service Prosecuting Authority in addressing alleged international crimes committed by the UK military”. He clearly came across as a fellow military lawyer who had gone through an experience very much like that of Nigeria’s vis-à-vis the ICC.

When it came to obtaining evidence, **Captain Peter Usuh** delivered an appraisal of evidence collection, storage and presentation in criminal investigations, while **Jay Morse** and **Akingbolahan Adeniran** gave highly practical advice on the always difficult and sensitive task of interviewing witnesses and suspects. Lastly, Ekiti State Attorney-General, **Olawale Fapohunda** and former Ogun State Attorney-General and former ICC investigator Akingbolahan Adeniran made real contributions to the discussion of how to go about creating the SCRT within the Nigerian military.



MAIN ACHIEVEMENTS

Since the project's launch in December 2016, Wayamo has contributed to Nigeria's efforts to achieve complementarity and increased accountability for international crimes. The project has achieved the following concrete outcomes:

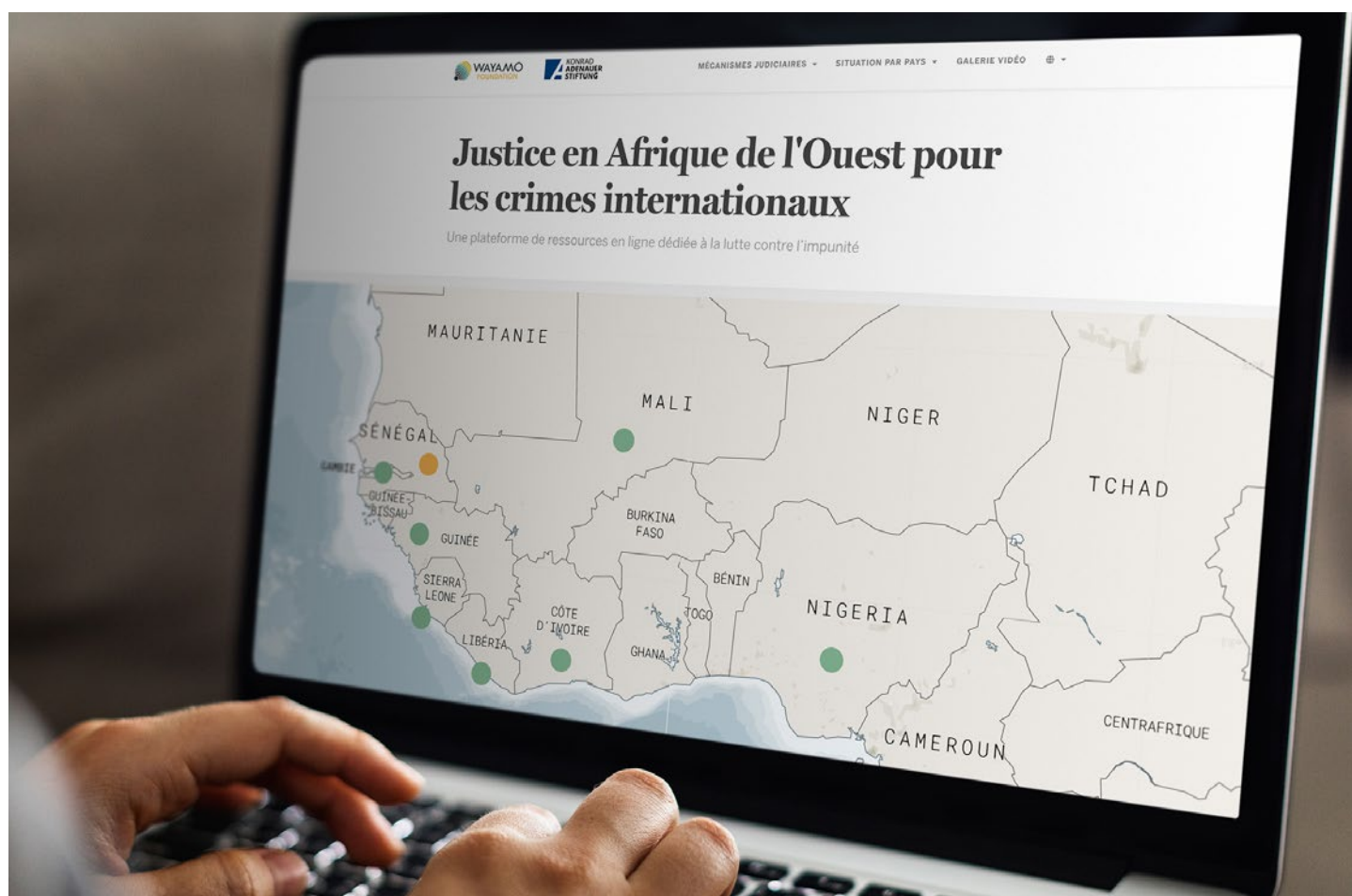
- 
- **increased knowledge and skills of civilian and military investigators and prosecutors** as regards investigating and prosecuting international crimes and terrorism under Nigerian national law;
 - **enhanced relationships of trust and partnership with our Nigerian interlocutors**, specifically within the Federal Ministry of Justice, the Vice-President's office and the Chief of Defence Staff;
 - **regular and intensified communication between the Federal Ministry of Justice and the ICC**: senior CCG prosecutor and Wayamo's local counterpart appointed as the new ICC focal point within the Federal Ministry of Justice;
 - **strengthened digital workflows within the CCG in the Ministry of Justice** which identify potential ICC criminality in current terrorism case files;
 - **creation of the first comprehensive digital database of terrorism cases from Nigeria's north-east**. In October 2021, the CCG was able to state that *"775 cases have been scanned and 445 fully digitised (all documents scanned, handwritten documents retyped, and all files made computer-readable) following a rigorous quality-control process"*.
 - **enhanced interagency collaboration between investigators (7MIB frontline investigators and JIC investigators) and prosecutors** to bring the electronic case-file database for terrorism and international crimes to fruition;
 - **appointment by the Chief of Defence Staff of 21 military investigators and prosecutors as members of the "Serious Crimes Response Team"**, tasked to address allegations of serious human rights violations committed by the armed forces;
 - **enhanced awareness of the importance of such a team within the military** after a personal meeting between the Chief of Defence Staff, General Lucky Irabor, and Wayamo Director, Bettina Ambach, on 3 December 2021 in Abuja;
 - **enhanced reporting skills and increased knowledge of our "Justice and Accountability media group" on justice-related issues affecting the region**, ranging from the role of the ICC in Nigeria to security challenges and the domestic prosecution of alleged Boko Haram suspects.
- 

ONLINE JUSTICE RESOURCE HUB



The Wayamo Foundation takes pleasure in announcing the launch of its online justice resource hub. This hub consolidates print and multimedia resources relating to international criminal justice. In building it, Wayamo has brought together experts, ranging from current and former judges, prosecutors, civil society professionals and human rights defenders to survivors of international crimes. They share their views on important aspects of international justice in domestic and international contexts, as well as achievements, challenges and opportunities in the international justice space. These useful resources are available on the Wayamo website, along with dedicated websites whose links are provided further below. The online resource hub is a useful resource for university students, academics, practitioners and all those with an interest in international criminal justice.

► wayamo.com/online-justice-resource-hub



“Justice in West Africa” website

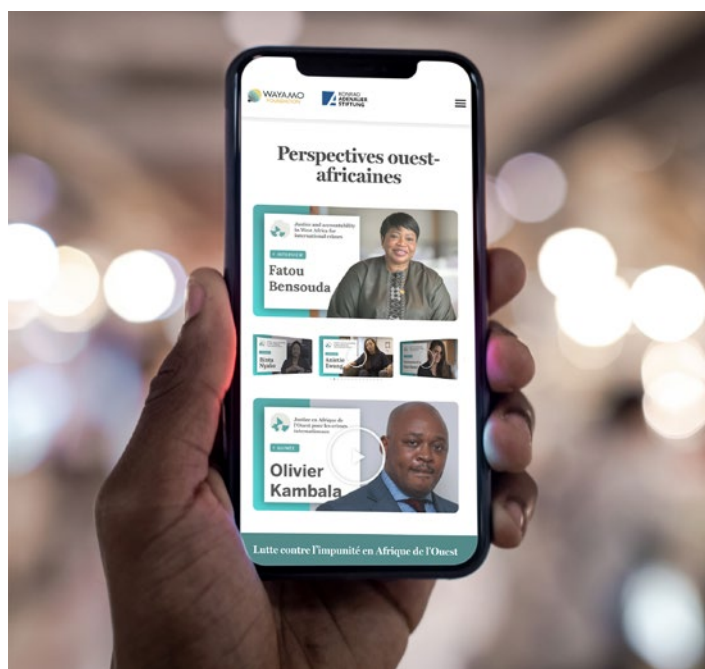
On 10 March 2021, the Wayamo Foundation and the Konrad Adenauer Foundation’s Rule of Law Programme for Francophone Sub-Saharan Africa announced the launch of the “Justice in West Africa” website, a bilingual, online resource platform of accountability efforts for international crimes.

► justiceafriqueouest.wayamo.com/

The website provides an interactive database in both English and French covering: the domestic prosecution of international crimes across a host of West African countries (Senegal, The Gambia, Côte d'Ivoire, Nigeria, Sierra Leone, Liberia, Mali and Guinea); regional and hybrid justice mechanisms; the work of the ICC in the region; and expert analysis in the form of video interviews.

The Wayamo Foundation and the Konrad Adenauer Foundation created this resource in the hope of supporting actors currently engaged in accountability efforts in West Africa, while at the same time providing a learning tool for those interested in better understanding these processes.

With these aims in mind, the website will not only provide civil society actors, journalists and academics with accessible tools for doing in-depth research and mobilising accountability in the region, but will also provide state, regional and international actors with a repository of easily accessible resources to support their work in the judicial sector.



Country cases

CÔTE D'IVOIRE

- [Violences post-électorales en Côte d'Ivoire: poursuites, réconciliation et réparations](#) *Post-election violence in Côte d'Ivoire: prosecution, reconciliation and reparations*

Bamba Brahima, a human rights lawyer, consultant and expert in transitional justice

- [Enquêtes et poursuites en Côte d'Ivoire : avancées et défis](#) *Investigations and prosecutions in Côte d'Ivoire: progress and challenges*

Drissa Traoré, Honorary President of the Ivorian Human Rights Movement (MIDH)

GUINEA

- [Guinée: les victimes du stade de Conakry obtiendront-elles justice ?](#) *Guinea: justice delayed, justice denied?*

Olivier Kambala, Peace and Development Adviser in the Office of the United Nations Resident Coordinator in Madagascar

LIBERIA

- [Justice pour les victimes du Libéria : compétence universelle](#) *Justice for Victims in Liberia: Application of the Principle of Universal Jurisdiction*

Alain Werner, Director of Civitas Maxima

- [Compétence universelle: conséquences et impact au Libéria des procès extra-territoriaux](#)

Emmanuelle Marchand, Directrice adjointe et Cheffe du service juridique de Civitas Maxima

- [Will there be justice, national rehabilitation, reconciliation and healing in Liberia ?](#)

Hassan Bility, Executive Director of the Global Justice Research Project in Liberia

- [Le procès de Massaquoi en Finlande : quelles implications au Libéria et en Afrique de l'Ouest ?](#)

Thierry Cruvellier, rédacteur en Chef, Justiceinfo.net

MALI

- [Crimes internationaux : le combat des victimes et de la société civile au Mali](#) *International crimes: the role of victims and civil society in the fight against impunity in Mali*

Saran Keïta Diakitè, Lawyer, President of the West African Women's Peace and Security Network and Member of the National Transition Council

- [Un compromis entre paix et justice est-il nécessaire au Mali?](#) *Is a compromise between peace and justice necessary in Mali?*

Drissa Traoré, National Coordinator of the joint programme of the Malian Association for Human Rights (AMDH) and the International Federation for Human Rights (FIDH)

NIGERIA

- [Nigeria's justice sector challenged by Boko Haram insurgency](#)
Anietie Ewang, researcher at the Africa Division of Human Rights Watch
- [International Justice in Motion - Perspectives from Nigeria and Beyond](#)
Binta Nyako, Nigerian Federal High Court Judge

SENEGAL

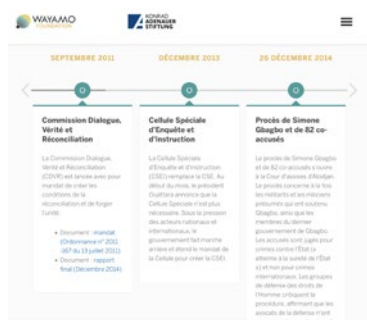
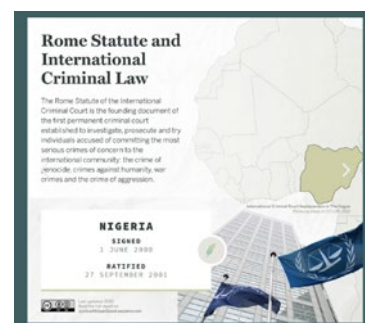
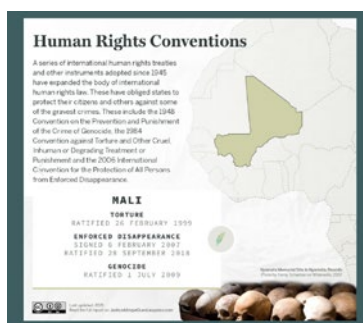
- [Justice pénale internationale en Afrique de l'Ouest](#)
Roland Adjovi, International Law Advisor for the Global Maritime Crime Programme in West Africa at UNODC

THE GAMBIA

- [The quest for justice: Survivor and activist who testified before the Truth Commission in The Gambia](#)
Toufah Jallow, justice activist, victim of sexual violence at the hands of former Gambian President Yahya Jammeh

Core texts, interactive print and multimedia sources

Although efforts to prosecute international crimes domestically have progressed in recent years in West Africa, access to information about and high-quality analyses of the challenges confronting such efforts and the progress made, remains piecemeal. The Wayamo Foundation and the Konrad Adenauer Foundation aim to address that gap with this online platform. The website offers an engaging, accessible and broad compilation of core texts (including relevant legislation and treaties), as well as interactive print and multimedia sources (infographics, timelines and expert interviews) covering influential cases, core topics and debates pertaining to accountability for international crimes in the region.

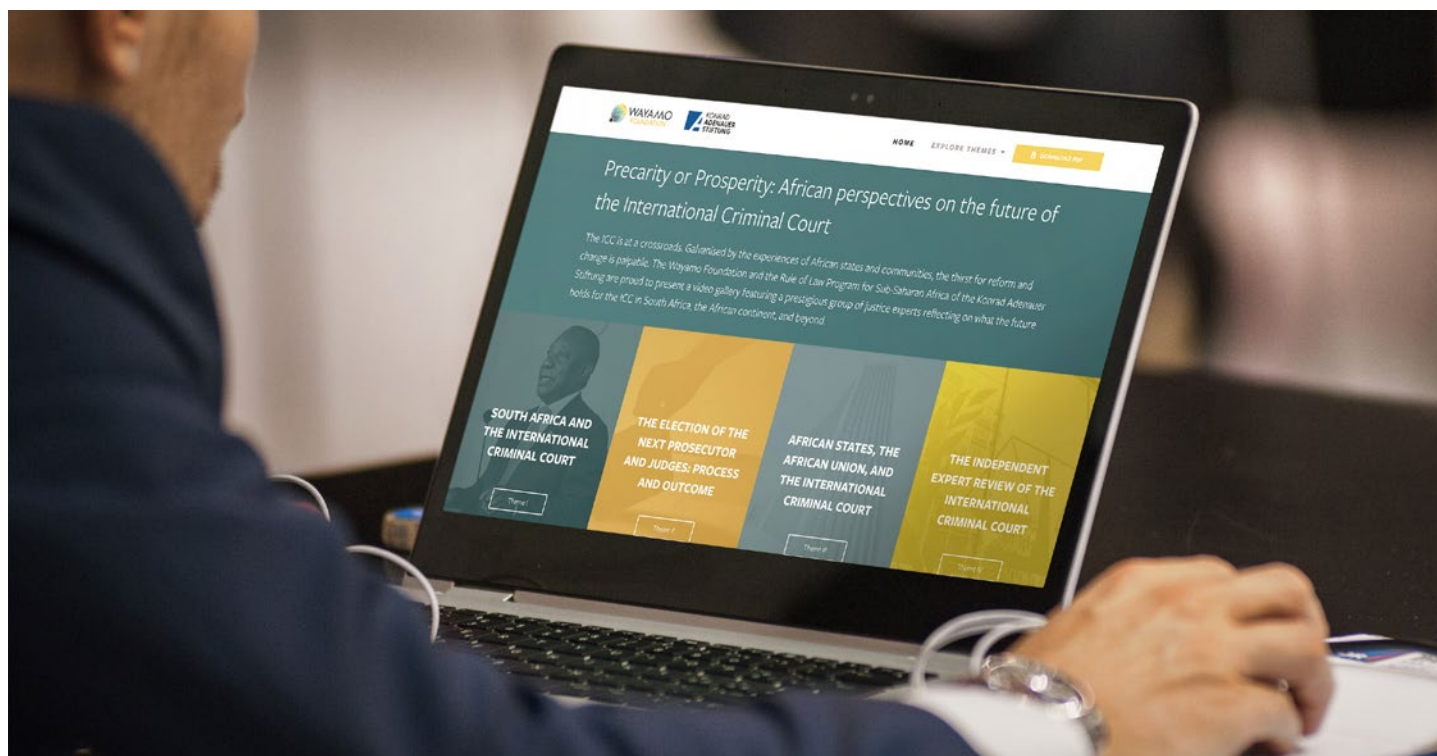


Precarity or prosperity: African perspectives on the future of the International Criminal Court

In January 2021, the **Wayamo Foundation** and the **Rule of Law Program for Sub-Saharan Africa of the Konrad Adenauer Stiftung** launched a video gallery featuring a prestigious group of justice experts reflecting on what the future holds for the ICC in South Africa, the African continent, and beyond:

► africanperspectives.wayamo.com

The website offers engaging and readily understandable interviews with experts covering the following four main topics:



Theme 1

SOUTH AFRICA AND THE ICC

South Africa represents a microcosm of the dynamic relationship between the International Criminal Court and Africa, having variously played the roles of supporter, detractor, withdrawer and constructive critic of the Court. Interviewed experts discuss how they perceive the relationship between South Africa and the ICC today. They propose practical steps for the country and the Court to better satisfy their mutual interests.

- [*How can South Africa's stature, as well as its wealth of experience in matters of international and transitional justice, help lead discussions and efforts to reform and improve the Court?*](#)

- [*Where does South Africa's relationship with the ICC stand today?*](#)
- [*How can South Africa, the African Union and the International Criminal Court work together more effectively in order to satisfy their mutual interests?*](#)

John Jeffery, Deputy Minister of Justice and Constitutional Development, South Africa
Kaajal Ramjathan-Keogh, Director of Africa Programme at the International Commission of Jurists

Max du Plessis, Senior Counsel and Advocate, South Africa, and Adjunct Professor, International Law, Nelson Mandela University

Theme 2

THE ELECTION OF THE NEXT PROSECUTOR AND JUDGES – PROCESS AND OUTCOME

With the Court under unprecedented attack from countries such as the United States, and calls for reform resonating among States Parties, the ICC is in dire need of strong leadership. Experts discuss concrete measures which they feel the next Prosecutor and judges should take to overcome the hurdles facing the ICC.

- [*In international criminal law, structural racism and white supremacy dictate which crimes count, what jurisdiction applies, who is rendered culpable, who chooses, who has the power, and who matters. Is it possible for the ICC to overcome this? If so, what concrete measures would you want the next ICC Prosecutor to undertake to do so?*](#)
- [*What qualities will be most important for the next ICC*](#)

[*Prosecutor and how does the election process reflect or not reflect the need to get the best candidate possible?*](#)

- [*What concerns from African states and communities do you believe can be addressed through the election of the next Prosecutor and judges?*](#)
- [*What is the greatest challenge facing the next ICC Prosecutor and, as a former prosecutor of an international tribunal yourself, what advice would you give them?*](#)

Mausi Segun, Executive Director, Africa Division at Human Rights Watch

Chidi Odinkalu, Senior Manager for Africa, Open Society Justice Initiative

Owiso Owiso, Doctoral Researcher in Public International Law and International Criminal Justice at the University of Luxembourg

Theme 3

AFRICAN STATES, THE AFRICAN UNION AND THE ICC

African nations and communities have been important players in the global struggle for the rule of law and the fight against impunity for international crimes. In recent years, however, the relationship between African states, the African Union (AU) and the ICC has become strained. Even though threats of a mass withdrawal have faded and opposition to the Court at the AU has been muted, many concerns raised by African states and communities remain unaddressed. Below, experts discuss some of these issues, and propose practical steps for African states, the AU and the ICC to work together more effectively in order to satisfy their mutual interests.

- [*How can South Africa, the African Union and the International Criminal Court work together more effectively in order to satisfy their mutual interests?*](#)
- [*Do you see more hope, or reason to worry about the relationship between African states and the ICC today? Why?*](#)
- [*Let's try and imagine a utopian system of international justice on the African continent. What would it look like? What practical steps can we take to get there?*](#)
- [*As the former United Nations Commissioner for*](#)

[*Human Rights, why does our human rights framework necessitate a strong ICC?*](#)

- [*At the end of your nine-year term as ICC Prosecutor, how would you describe the current ICC-Africa relationship?*](#)
- [*How can Nigeria, the AU and the ICC work together more effectively in order to satisfy their mutual interests? Would an African Court with international criminal jurisdiction be the solution?*](#)

Fatou Bensouda, Prosecutor of the International Criminal Court

Richard Goldstone, Former Chief Prosecutor of the International Criminal Tribunal for Rwanda and the former Yugoslavia, former Chair of the Independent Expert Review of the ICC, and Member of the Africa Group for Justice and Accountability

Navi Pillay, Former UN High Commissioner for Human Rights and Member of the Africa Group for Justice and Accountability

Theme 4

THE INDEPENDENT EXPERT REVIEW OF THE ICC

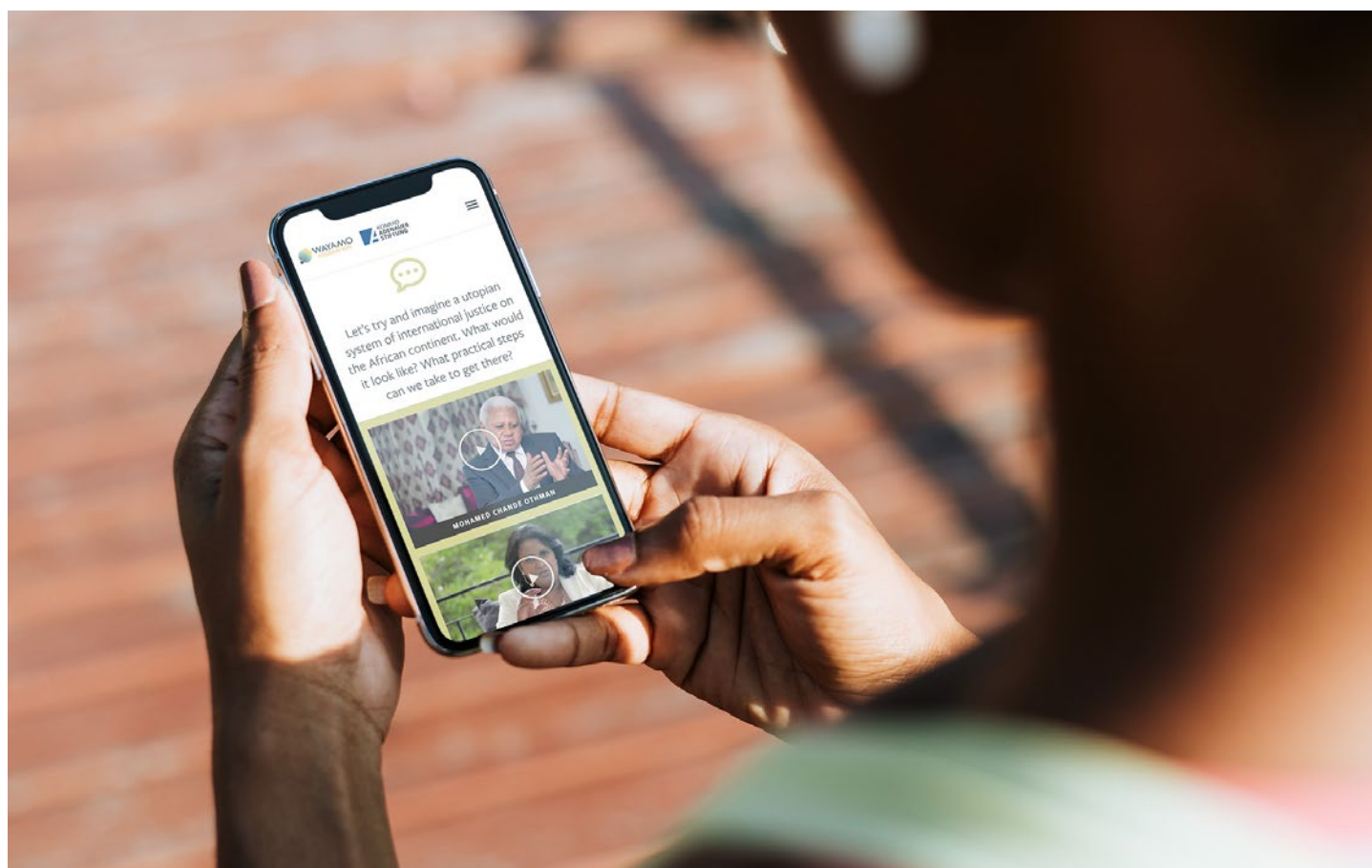
Heeding longstanding calls from the ICC's diverse constituencies, an Independent Expert Group has studied the Court and submitted recommendations for its reform and better functioning. Experts discuss the extent to which these recommendations have the potential to improve the ICC-Africa relationship, and what still remains to be done.

- *Which concerns raised by African communities and states were addressed by the Expert Review process? Do you believe states and communities will be satisfied or is there still more to be done?*
- *As the Prosecutor of the ICC, you have witnessed a growing call from the international criminal law community for reform. What have you done to address these concerns?*

Mohamed Chande Othman, Former Chief Justice of Tanzania, former Member of the Independent Expert Review of the ICC, and Member of the Africa Group for Justice and Accountability

Oumar Ba, Assistant Professor of International Relations at Morehouse College and Author of *States of Justice: The Politics of the International Criminal Court*

Kamari Clarke, Professor at the University of Toronto and the University of California, Los Angeles



Video interviews and publications

In 2021, Wayamo produced 23 video interviews with experts on international justice and accountability in Africa, and two project videos.

► wayamo.com/resources/video

Interviews

- **Akingbolahan Adeniran** [Justice and accountability for international crimes in Nigeria](#)
- **Roland Adjovi** [Justice pénale internationale en Afrique de l'Ouest](#), *International Criminal Justice in West Africa*
- **Oumar Ba** [African Perspectives on the ICC](#)
- **Bamba Brahima** [Violences post-électorales en Côte d'Ivoire: poursuites, réconciliation et réparations](#), *Post-election violence in Côte d'Ivoire: prosecution, reconciliation and reparations*
- **Fatou Bensouda** [International Justice in Motion - Perspectives from the ICC and Beyond](#)
- **Mohamed Chande Othman** [International Justice in Motion - Perspectives from Tanzania and Beyond](#)
- **Kamari Clarke** [Election of the ICC Prosecutor and judges](#)
- **Saran Keïta Diakité** [Crimes internationaux : le combat des victimes et de la société civile au Mali](#), *International crimes: the role of victims and civil society in the fight against impunity in Mali*
- **Anietie Ewang** [Nigeria's justice sector challenged by Boko Haram insurgency](#)
- **Richard J. Goldstone** [International Justice in Motion - Perspectives from South Africa and Beyond](#)
- **Toufah Jallow** [The quest for justice: Survivor and activist who testified before the Truth Commission in The Gambia](#), *Une victime et activiste témoigne devant la Commission vérité en Gambie*
- **John Jeffery** [South Africa and the ICC](#)
- **Olivier Kambala** [Guinée: les victimes du stade de Conakry obtiendront-elles justice ?](#), *Guinea: justice delayed, justice denied?*
- **Mame Mandiaye Niang** [Lutte contre l'impunité: le rôle des mécanismes internationaux, régionaux et nationaux](#), *Justice and accountability : the role of international, regional and national judicial mechanisms*
- **Chidi Odinkalu** [Independent Expert Review of the ICC](#)
- **Owiso Owiso** [Election of the ICC Prosecutor and judges](#)
- **Navi Pillay** [African states, the AU and the ICC](#)

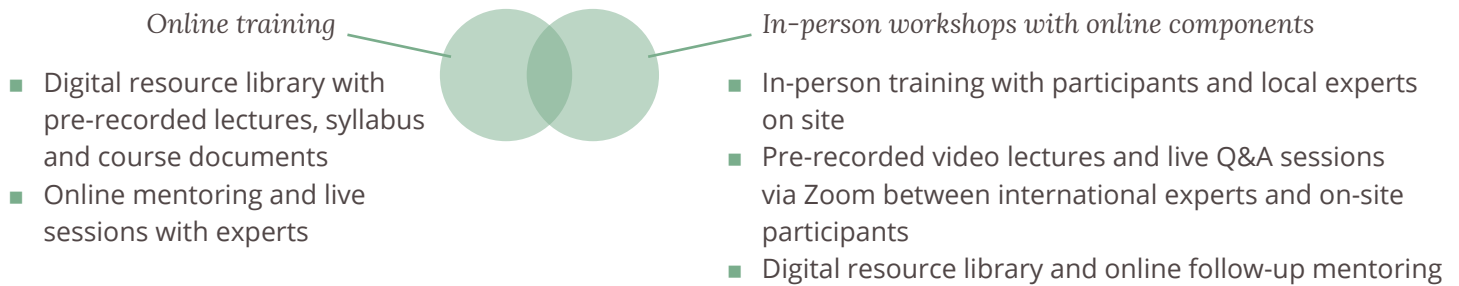


- **Max du Plessis** [Where does South Africa's relationship with the ICC stand today?](#)
- **Kaajal Ramjathan-Keogh** [African states, the AU and the ICC](#)
- **Mausi Segun** [African states, the AU and the ICC](#)
- **Drissa Traoré** [Un compromis entre paix et justice est-il nécessaire au Mali?](#), *Is a compromise between peace and justice necessary in Mali?*
- **Drissa Traoré** [Enquêtes et poursuites en Côte d'Ivoire : avancées et défis](#), *Investigations and prosecutions in Côte d'Ivoire: progress and challenges*
- **Alain Werner** [Justice pour les victimes du Libéria : compétence universelle](#), *Justice for Victims in Liberia: Application of the Principle of Universal Jurisdiction*

Project videos

- **Wayamo project** [Wayamo project: strengthening justice and accountability for international crimes in Nigeria](#)
- **Vox pop** [Prosecutors of the Complex Casework Group in the Nigerian Ministry of Justice about Wayamo's impact](#)

Wayamo's hybrid model



Since the earliest days of the **Covid-19 pandemic**, the **Wayamo Foundation** has sought to re-imagine its work in promoting justice and accountability. A large part of our work is implementing capacity building programming aimed at bolstering the skills and know-how of national authorities to investigate and prosecute international and transnational organised crimes. We usually do this in person, using a methodology honed over the years, but with Covid-19 restrictions –limiting us, our lecturers and our course participants– it was clear that we would have to adjust. Wayamo therefore developed a hybrid model combining **in-person sessions with pre-recorded lectures, and online Q&A sessions between online experts and participants**. Wayamo is determined to draw lessons from this experience and apply these to our future programming

and positive complementarity-related initiatives. It is our firmly held conviction that combining our long-standing expertise in capacity building and the promotion of justice and accountability with new technologies will engender more efficient and impactful programming. Our experience in these past months has made one thing crystal clear: in the field of capacity building, there is no replacement for human contact. Yet, we have learnt that, even if we are far apart, the digital ties that bind us are very strong, and that the work of promoting justice and accountability can take on many forms. Accordingly, we will be using our newfound expertise and in-house infrastructure to combine in-person sessions with online elements in our capacity-building initiatives.



DAKAR INTERNATIONAL JUSTICE CONFERENCE



On 25 and 26 October 2021, the **Wayamo Foundation** and the **Konrad Adenauer Foundation Programme for the Promotion of the Rule of Law in Sub-Saharan Africa** (KAS Sub-Saharan Programme) held an international conference entitled, *“Justice for International Crimes: Challenges and Strategies in West Africa and Elsewhere”*, in Dakar, Senegal.

More than 90 experts and participants from the **ICC, United Nations, African Union, Extraordinary African Chambers in Senegal, International Residual Mechanism of the Criminal Tribunals, International, Impartial and Independent Mechanism on Syria (IIIM), civil society and governments** took part in the debates during the two-day conference.

Margaux Wipf, Senior KAS Sub-Saharan Programme Coordinator, welcomed participants and partners to the opening of the conference. Ms. Wipf emphasised the central role of states in the fight against impunity for international crimes, by asking, *“What are national judiciaries doing, and what are they capable of doing? This obviously raises the question of human and financial resources, the training of investigators, prosecutors, examining magistrates, judges, and the application of legal decisions”*, before adding that, *“justice must necessarily be strong and combative in order to exist and be respected.”*

Regional KAS Sub-Saharan Programme Director, **Ingo Badoreck**, recalled that there are *“many positive examples of successful cooperation between national jurisdictions and the international judicial system that can*





give us hope” in West Africa and elsewhere. He thanked Wayamo Foundation Director, Bettina Ambach, and her team for *“the excellent collaboration that made this conference possible”*, before announcing that the two foundations had launched a website focusing on justice in West Africa for international crimes: justiceafriqueouest.wayamo.com. *“In the West African region, efforts to prosecute international crimes at the national level have progressed in recent years, particularly in Côte d’Ivoire, The Gambia and Liberia,”* noted Bettina Ambach, while adding that *“these efforts and initiatives are far from perfect”*. She went on to say that concerns remained and that this conference would be an opportunity to address *“all the issues: the good and the bad, in order to understand the current challenges and draw lessons for those engaged in the fight against impunity”*.

The new Ambassador of the Federal Republic of Germany to Senegal, **Sönke Siemon**, also welcomed participants to this important conference on justice and the fight against impunity.

Aissé Gassama Tall, Secretary-General of the Senegalese Ministry of Justice, opened the conference by reminding participants that *“the ICC can only investigate and prosecute international crimes when the unwillingness or inability of a state is manifest. It is clear that by signing the Rome Statute, the international community, including African states, and particularly those in West Africa, have chosen the primacy of national jurisdictions. This choice must be vigorously assumed and should not be reduced to a pittance or simply applied willy-nilly as a misplaced instinct to preserve the principle of state sovereignty”*.

The debates and discussions then began with a conversation between the two guests of honour, namely, **Fatou Bensouda**, former Prosecutor of the International Criminal Court, and **Serge Brammertz**, Prosecutor of the International Mechanism in charge of exercising the residual functions of the Criminal Courts. The moderator of the conversation, Thierry Cruvellier, Editor-in-Chief of Justiceinfo.net, invited Ms. Bensouda and Mr. Brammertz to reflect on the role and

relationship between international courts and states. Ms. Bensouda stressed the importance of cooperation between states and the ICC, stating that, *“cooperation should not be a one-way street. It is a two-way process. This implies that criminal justice needs the support of states to obtain evidence. It also implies that states must be able to ask the Court to cooperate with regard to information or evidence which it has in its possession and which may be relevant to a national prosecution of crimes or*

other serious crimes under national jurisdiction”. Serge Brammertz recalled that, *“justice will always be best served close to the affected communities”*, while noting the limitations and difficulties related to the lack of political will.

The conference also welcomed **Catherine Marchi-Uhel**, Head of the IIIM on the most serious crimes



committed in Syria. Ms. Marchi-Uhel recalled that the IIIM had been created by the UN General Assembly to overcome impasses at the Security Council level and ensure the collection and preservation of evidence of atrocities committed in Syria. The Mechanism is now fully operational and contains *“a central evidence repository of more than two million files that uses state-of-the-art digital evidence-management techniques”*. The mechanism responds to requests for assistance from states and shares evidence with investigators in national jurisdictions: *“the ICC’s jurisdiction is important but generally not sufficient -all efforts are needed (national,*

regional, international) in a spirit of complementarity”. Mrs. Marchi-Uhel concluded that *“the IIIM is not a model in itself, but rather an aid to jurisdictions, a tool in the toolbox of mechanisms”*.

During the two-day conference, speakers from West Africa, Europe and Senegal also discussed the challenges, experiences and future of international justice in Côte d’Ivoire, Gambia, Liberia, Mali and Senegal.



Bettina Ambach and **Anta Guissé**, International Defence Lawyer, Cabinet GUISSÉ, concluded the conference by summarising the highlights of the two days:

- it is primarily the responsibility of national institutions to bring justice for international crimes;
- yet it is often political blockages at the national level that push actors towards international or internationalised jurisdictions;
- it is necessary to ensure that complementarity is respected at all levels (national, regional, international) and works in both directions;
- it is essential to guarantee the independence of investigations and prosecutions, and neutralise political pressures; and lastly,
- it is crucial to have sexual and gender-based crimes recognised as international crimes in their own right. A gender-sensitive approach must be implemented throughout investigations and prosecutions, as well as in public communications, to ensure justice for victims.

There is a real panoply of judicial mechanisms (at the national, regional and international levels): it is important to take stock of all mechanisms in order to facilitate synergies and identify the most appropriate solution for each situation.

/// PARTICIPANTS' RECOMMENDATIONS ///

"Misperceptions about international criminal justice and the ICC have to be dispelled"

"Technical skills of magistrates and specialised units need to be strengthened"

"It is important to find better synergies between international and national justice"

"Victims need to be placed at the centre of investigative and prosecutorial strategies"



WAYAMO MEETS WITH MINISTER OF JUSTICE IN SUDAN



Bettina Ambach, Director of the Wayamo Foundation, travelled to Khartoum from 23 to 29 June to meet with local actors working in the field of justice and accountability in Sudan. The aim of this visit was to offer Wayamo's assistance in the challenging work of achieving justice for international crimes committed under the Bashir regime.

Bettina Ambach met with Justice Minister **Nasredeen Abdulbari** to discuss the most pressing justice needs in Sudan and capacity-building programming for Sudanese investigators, prosecutors and judges. The Director of the Wayamo Foundation also had discussions with civil society groups working in the transitional justice field, UNITAMS representatives and Embassy officials in Khartoum.



WAYAMO MEETS WITH THE UN AND HUMAN RIGHTS WATCH IN NEW YORK



From 28 September to 3 October 2021, Wayamo Director **Bettina Ambach** travelled to New York for meetings with the **UN** and **Human Rights Watch**, and to speak at a luncheon meeting on Sudan arranged by the **Permanent Mission of Liechtenstein to the United Nations**.

Bettina Ambach spoke about the ICC's investigation in Darfur and stressed how organisations like Wayamo could -and should- facilitate complementarity in situations like Sudan. Meaningful complementarity in Sudan should include enhancing local capacity both to administer justice and to support cooperation requests emanating from the ICC.

In addition, Bettina Ambach had a meeting with Nigeria's Permanent Representative to the UN, **Ambassador Mohammad Bande Tijjani**, to discuss Nigeria's efforts to investigate and prosecute crimes against humanity and war crimes allegedly committed by Boko Haram and the Nigerian Security Forces.



20TH ASSEMBLY OF STATES PARTIES OF THE ICC, THE HAGUE, NETHERLANDS



Owing to the pandemic, only 16 NGOs were invited to attend the 20th session of the Assembly of States Parties of the International Criminal Court in The Hague. As Wayamo's Director, **Bettina Ambach** was thus doubly grateful to be in The Hague for this signal event.

When Nigeria delivered its [statement](#), **Ambassador Dr. Eniola Ajayi** cited two of Wayamo's main project outcomes as signs of progress in the country's justice and accountability efforts. These were:

- the appointment by the military leadership of 21 investigators and prosecutors from the three security services to be part of the proposed Serious Crimes Response Team tasked with addressing alleged serious human rights violations committed

by the Nigerian Armed Forces; and,

- the creation of an electronic case-file and evidence management database within the Complex Casework Group of the Ministry of Justice to serve as a repository for terrorism files, with special attention given to cases addressing potential ICC criminality.

Director Bettina Ambach also had a meeting with the **Office of the Prosecutor of the ICC** to discuss possible scenarios where ICC expertise could be brought in to support Wayamo's capacity-building efforts.

ANNEX 1: LIST OF 2021 ACTIVITIES



Berlin, Germany

JANUARY

- Launch of the “*Precarity or prosperity: African perspectives on the future of the International Criminal Court*” website.

10 MARCH

- Launch of the “*Justice in West Africa*” website.



AFRICA GROUP

FOR JUSTICE AND ACCOUNTABILITY

AGJA

21 APRIL 2021

- Annual meeting of the Africa Group for Justice and Accountability.



Abuja and Epe, Nigeria

4 FEBRUARY

- First joint international criminal law and international humanitarian law course with the Nigerian Institute of Advanced Legal Studies.

5 FEBRUARY

- Capacity-building workshop for civil and military investigators and prosecutors on the creation of an electronic case-file database and the use of Intella software for evidence management.

9 FEBRUARY

- Media engagement

17 MAY

- Capacity-building workshop for civil prosecutors from the Complex Casework Group on the electronic case-file database and the use of Intella software for evidence management.

21 MAY

- Media engagement.

25 MAY

- First capacity-building programme for members of the proposed Serious Crimes Response Team.

9-11 AUGUST

- Capacity-building workshop for civil prosecutors from the Complex Casework Group on the electronic case-file database and the use of Intella software for evidence management.

11-13 AUGUST

- Second capacity-building programme for members of the proposed Serious Crimes Response Team.

14-21 SEPTEMBER (ONLINE)

- Capacity-building workshop for civil prosecutors from the Complex Casework Group on the electronic case-file database and the use of Intella software for evidence management.

26 OCTOBER - 3 NOVEMBER (ONLINE)

- Capacity-building workshop for civil prosecutors from the Complex Casework Group on the ICC criminality assessment form.

29-30 NOVEMBER

- Capacity-building workshop for civil prosecutors and investigators on the creation of an electronic case-file database.

1-3 DECEMBER

- Third capacity-building programme for members of the proposed Serious Crimes Response Team.



Khartoum, Sudan

23-29 JUNE

- Bettina Ambach, Director of the Wayamo Foundation, travelled to Khartoum to meet with local actors working in the field of justice and accountability in Sudan.



New York, USA

28 SEPTEMBER - 3 OCTOBER

- Bettina Ambach, Director of the Wayamo Foundation, travelled to New York for meetings with the UN, Human Rights Watch and to speak at a luncheon meeting organised by the Permanent Mission of Liechtenstein to the United Nations on Sudan.



Dakar, Senegal

25-26 OCTOBER

- International conference: *"Justice for International Crimes: Challenges and Strategies in West Africa and Elsewhere"*.

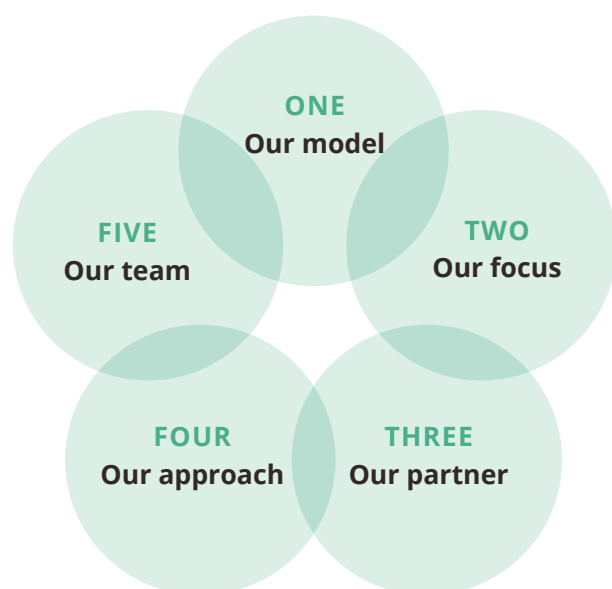


The Hague, The Netherlands

6-10 DECEMBER

- Bettina Ambach, Director of the Wayamo Foundation attended the 20th session of the Assembly of States Parties.

ANNEX 2: WHAT SETS US APART



Wayamo gGmbH is an independent, non-profit organisation established to strengthen the rule of law, promote justice for international and transnational crimes and foster transparency through judicial capacity building, mediation and informed journalism:

Wayamo does this by:

- building the capacity of national judicial systems;
- training judges, prosecutors, investigators and journalists;
- advocating transparency and accountability, often in post-conflict settings;
- facilitating and supporting dialogue between civil society and government leaders; and,
- creating networks of the highest-ranking investigators and prosecutors to combat international and transnational organised crimes.

Our model - Four in one	Wayamo projects are based on a four-pillar model: (i) effective and context-sensitive capacity building for investigators, prosecutors and judges; (ii) top-level research on global justice issues; (iii) high-profile public symposia and conferences; and, (iv) advanced media training. We are the only NGO that can claim to do all of these as part of a unique, coherent and complementary model.
Our focus - Holistic capacity-building approach	The model of our capacity building workshops is based on the conviction that law enforcement agencies, prosecution authorities and the judiciary, all need to work in an integrated fashion. Bringing these actors together to work and train in a practice-oriented environment is what makes our model unique. Further, our capacity building programming combines training in international and transnational organised crimes –as well as the linkages between them.
Our partner - AGJA	Wayamo has demonstrated its unique ability to respond to the ‘pulse’ of international justice with creative and ground-breaking projects, such as the formation of AGJA. Our focus is to identify the problems and bring together the right constellation of actors to address them.
Our approach - Prioritising local	In all of its projects the Wayamo Foundation works closely with partners on the ground and prioritises local buy-in, thereby ensuring that each project is locally embedded, supported and sustained. Our achievements are possible due to the network of trusted partners which we have built up over the years and with which we work at all levels: domestic, regional and international.
Our team - small size, large footprint	The Wayamo team is lean, agile, and highly committed, bringing together a diversity of voices and expertise from the fields of international criminal law, media, international relations and civil society. We punch above our weight.

ANNEX 3: WAYAMO TEAM



BETTINA AMBACH (GERMANY)

Executive Director



JOSEPH ROBERTS-MENSAH (GHANA)

Africa Director



ELISE CARREAU (FRANCE)

Programme Manager



KRIS KOTARSKI (CANADA, POLAND)

Digital Programs Manager



LINDA BORE (KENYA)

International Criminal Lawyer
& Project Coordinator



JUDIE KABERIA (KENYA)

Project Coordinator for East Africa



MARK KERSTEN (CANADA)

Senior Consultant



REBEKA JUHOŠOVÁ (SLOVAKIA)

Legal Researcher and Data-
Management Expert



MICHAEL BENEDICT (UNITED KINGDOM)

Documentation Editor



SONIA WEESE (GERMANY)

Chief Financial Officer



NAAZLIN DADANI (KENYA, USA)

Co-ordinator for The Netherlands

ANNEX 4: FUNDERS



In 2021, the Wayamo Foundation received funding from the following donors:

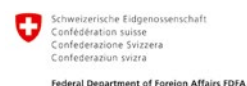
Ministry of Foreign Affairs of the Netherlands



Konrad Adenauer Stiftung's Rule of Law Programme for Sub-Saharan Africa



Swiss Department of Foreign Affairs



Wellspring Philanthropic Fund



ANNEX 5: PUBLICATIONS



Publications by Mark Kersten, expert in international law and consultant at the Wayamo Foundation.

- 8 Dec 2021, **Al Jazeera: It is time for the ICC to address crimes against asylum seekers**
aljazeera.com/opinions/2021/12/8/it-is-time-for-the-icc-address-crimes-against-asylum-seekers
- 27 May 2021: **Al Jazeera: This time, the International Criminal Court is watching**
aljazeera.com/opinions/2021/5/27/this-time-the-international-criminal-court-is-watching
- 17 Jul 2021, **Al Jazeera: To stop mass atrocities, follow the money**
aljazeera.com/opinions/2021/7/17/to-stop-mass-atrocities-follow-the-money
- 21 June 2021, **The National News: The ICC Fatou Bensouda leaves behind**
thenationalnews.com/opinion/comment/the-icc-fatou-bensouda-leaves-behind-1.1245035
- 27 July, **The National News: Closing the Lebanon tribunal would set a terrible global precedent**
thenationalnews.com/opinion/comment/2021/07/27/closing-the-lebanon-tribunal-would-set-a-terrible-global-precedent/
- 11 May 2021, **The National News: Do the Dominic Ongwens of the world deserve a bit more empathy?**
thenationalnews.com/opinion/comment/do-the-dominic-ongwens-of-the-world-deserve-a-bit-more-empathy-1.1220852
- 14 February 2021, **The National News: In Karim Khan, the ICC has the right man for the right job**
thenationalnews.com/opinion/comment/in-karim-khan-the-icc-has-the-right-man-for-the-right-job-1.1165764

ANNEX 6: PARTNERS



- African Court on Human and Peoples' Rights
- African Union, Office of the Legal Counsel
- American Bar Association
- Amnesty International
- Centre for Justice & Accountability
- Chief Justices of Kenya, Nigeria, Rwanda, Tanzania and Uganda
- Coalition for the International Criminal Court
- Complex Casework Group, Directorate of Public Prosecutions, Nigeria
- Directors of Criminal Investigation Departments of Kenya, Rwanda, Tanzania and Uganda
- Directors of Public Prosecutions of Kenya, Nigeria, Rwanda, South Africa, South Sudan, Tanzania and Uganda
- East Africa Law Society
- East African Association of Prosecutors
- East African Court of Justice
- European Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes (Genocide Network)
- Extraordinary Chambers in the Courts of Cambodia (ECCC)
- Federal Ministry of Justice of Nigeria
- Foundation for Human Rights, Johannesburg
- Gesellschaft für Internationale Zusammenarbeit (GIZ)
- Ghana Institute of Management and Public Administration, Faculty of Law
- Great Lakes Judicial Cooperation Network
- Human Rights Watch
- Institute for Security Studies
- Intergovernmental Authority on Development (IGAD)
- International Bar Association
- International Centre for Transitional Justice
- International Commission of Jurists, Kenya
- International Crimes Division, Uganda
- International Criminal Court (Presidency, Chambers, Office of the Prosecutor and Registry)
- International Nuremberg Principles Academy
- INTERPOL
- Joint Investigation Centre, Maiduguri
- Kofi Annan International Peacekeeping Training Centre (KAIPTC)
- Konrad Adenauer Stiftung
- Kosovo Specialist Chambers
- National Judicial Institute (NJI)
- Nigerian Institute for Advanced Legal Studies (NIALS)
- Open Society Justice Initiative
- Pan African Lawyers' Union
- Permanent Mission of the Principality of Liechtenstein to the United Nations
- REDRESS
- Residual Special Court for Sierra Leone
- Special Tribunal for Lebanon
- Supreme Courts of Kenya, Nigeria, Rwanda, Tanzania and Uganda
- UN International Residual Mechanism for Criminal Tribunals, Arusha
- UN Office on Drugs and Crime
- UN Special Representative of the Secretary-General on Sexual Violence in Conflict
- Universities of Cape Town and Pretoria (South Africa); and Strathmore (Kenya)





GET TO KNOW THE

**WAYAMO
FOUNDATION**



CONTACT

Wayamo Foundation

Rietzestraße 21, 10409 Berlin (Germany)

Tel. +49 30 92145545

info@wayamo.com

www.wayamo.com