



Concept Note and Biographies

# AFRICA GROUP FOR JUSTICE AND ACCOUNTABILITY

SUPPORTING JUSTICE AND ACCOUNTABILITY THROUGH DOMESTIC AND REGIONAL CAPACITY BUILDING, ADVICE AND OUTREACH, AND ENHANCING COOPERATION BETWEEN AFRICA AND THE ICC

**NOVEMBER 2015 –**  
**LAUNCHED IN THE HAGUE, NETHERLANDS**

## CONCEPT NOTE

# AFRICA GROUP FOR JUSTICE AND ACCOUNTABILITY

November 2015 | Berlin, Germany

Author: Bettina Ambach

### RATIONALE:

Africa has been an important player in the global struggle for the rule of law and fighting impunity.

For example, African states played an indispensable role in the establishment and functioning of the International Criminal Court (ICC). In recent years, however, the relationship between African states, the African Union and the ICC has become strained as a result of conflicting perceptions about the Court's role and broader justice and accountability measures in Africa.

To date, there has been no systematic effort to identify and develop means to overcome such challenges or to engage with the diverse concerns of African states.

In order to fill this gap, this project will establish the Africa Group for Justice and Accountability, an independent group made up of senior African experts on international criminal law and human rights, including political figures, members of international and domestic tribunals, and human rights advocates.

The Africa Group for Justice and Accountability will meet on a regular basis across the continent and engage with politicians, members of the judiciary, the media, students, and interested citizens. The project will be tasked with advancing justice and accountability measures in Africa as well as overcoming, contentious issues such as the current ICC-Africa relationship.

The project will also acknowledge

and encourage the strengthening of local accountability measures such as commissions of inquiry, domestic crime units for international crimes, and hybrid mechanisms.

This group is not intended to be an immovable fixed structure or an official advisory board to any particular institution. It is a group of African experts that will meet regularly with various stakeholders.

It may grow with time, with new members being asked to join as and when current affairs and events render this desirable.

The Wayamo Foundation is the coordinator of the Africa Group and will act as the group's contact point and secretariat. Wayamo enjoys the confidence of all relevant actors and has developed the expertise and necessary track-record required to drive this project forward effectively.

As an independent organisation whose members have decades of work experience and a presence across the African continent, Wayamo is well placed to facilitate the Africa Group's events, mediate between different parties and communicate with the wider public.

### MISSION STATEMENT:

The Africa Group for Justice and Accountability will support efforts 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.

### SPECIFIC OBJECTIVES:

To Africa Group will:

- ▶ Provide an open and interactive forum in which the concerns of African citizens and states can be heard and considered
- ▶ Promote the principle of complementarity by organising capacity building and training, with the aim of prosecuting international crimes domestically and regionally
- ▶ Work towards justice and accountability measures in Africa through strategic engagement with relevant stakeholders
- ▶ Seek to improve and deepen the relationship between African states and the International Criminal Court
- ▶ Clarify misperceptions about the ICC amongst Africans.
- ▶ Advise and make available policy-relevant recommendations to states, regional organisations, the African Union, the ICC and civil society on how to strengthen justice and accountability measures in Africa.

### SCHEDULE OF ACTIVITIES:

#### 1. Preparatory Meetings

Between September and November 2015, meetings with different stakeholders were held in Berlin, The Hague, Washington, Johannesburg, Nairobi and Gaborone to consult on the project's rationale and mission statement, along with its structure, composition and activities.

#### 2. First Meeting and Launch

The first strategic meetings of the Group took place in The Hague from 22–24 November 2015 on the sidelines of the ICC Assembly of States Parties. The public launch of the Group was witnessed by state



representatives, judges, journalists, civil society representatives and African parliamentarians at the side event entitled "Africa and the ICC—Looking Back, Moving Forward" co-hosted by the governments of Botswana, Finland, Germany, the Netherlands, Norway, Sweden, Switzerland, and the United Kingdom.

The President of the International Criminal Court, Judge Silvia Fernández de Gurmendi, expressed her readiness to engage with the newly formed Africa Group through regular dialogue, cooperation in capacity building efforts, and receiving its recommendations regarding the improvement of the Africa-ICC relationship.

### 3. Establishing Support Structures

The Wayamo Foundation will establish a network of global experts to support the work of the Africa Group. It will also set up the public and administrative framework for the Africa Group's future activities.

### 4. Bi-Annual Meetings

The bi-annual meetings will serve as a stocktaking exercise. During closed sessions, the Africa Group for Justice and Accountability will discuss the state of Africa's fight against impunity, developments in international criminal law relevant to the respective regions in which the meetings will be held, and measures to strengthen the Africa-ICC relationship.

Specifically, each bi-annual meeting will include:

- **Strategic Meetings:** Africa Group meetings to discuss policy and activities
- **Public Activities:** Lectures and town hall meetings, high level debates and symposiums
- **Outreach:** Engagement with affected communities and the press
- **Capacity Building:** Training on international crimes and human rights
- **Stakeholder Diplomacy:** Formal and informal engagement with governments, regional organisations and civil society



AGJA member & former UN High Commissioner for Human Rights Navi Pillay delivers a statement at March 2016 Cape Town symposium on African Justice Mechanisms and their interplay with the International Criminal Court.

#### Proposed meetings:

- South Africa (18–24 March 2016)
- Additional meetings to be held bi-annually at African venues chosen by the Africa Group.

#### 5. Ad Hoc Engagements

A series of in-situation meetings and consultations by a sub-group of the experts, to be organised in response to emerging national and regional developments relevant to accountability mechanisms on the continent including the ICC.

#### OUTPUTS:

Wayamo will disseminate the project outputs to a wider public audience via:

1. Reports from meetings being made available to the public through the Wayamo Foundation and the Africa Group's websites and social media channels, and Wayamo's journalism networks across Africa. Hard-copy publications to be

distributed at justice- and accountability-related events and at all Africa Group meetings.

2. The distribution of multimedia outputs, including video footage of public events, interviews, audio podcasts, and press releases for journalists and the public.

3. The establishment and cultivation of networks with relevant personalities, organisations and media institutions.

#### STAFF:

- Project and Executive Director:  
**Bettina Ambach**
- Africa Director (Ghana):  
**Joseph Roberts-Mensah**
- Project Coordinator:  
**Kris Kotarski**
- Director of Research:  
**Mark Kersten**
- Publications Editor:  
**Michael Benedict**
- Africa Coordinator (Kenya):  
**Judie Kaberia**



### DAPO AKANDE

Nigeria

Dapo Akande is the Yamani Fellow at St. Peter's College and Co-Director of the Oxford Institute for Ethics, Law and Armed Conflict (ELAC) & the Oxford Martin Programme on Human Rights for Future Generations.

He has held visiting professorships at Yale Law School, the University of Miami School of Law and the Catolica Global Law School, Lisbon. Before taking up his position in Oxford in 2004, he was Lecturer in Law at the University of Nottingham School of Law (1998-2000) and at the University of Durham (2000-2004) and taught international law at the London School of Economics and at Christ's College and Wolfson College, University of Cambridge (1994-1998).

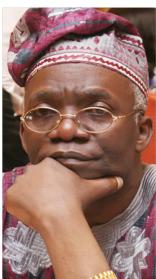
He has varied research interests within the field of general international law and has published articles on aspects of the law of international organisations, international dispute settlement, international criminal law and the law of armed conflict. His articles have been published in leading international law journals and his article in the Journal of International Criminal Justice on the „Jurisdiction of the International Criminal Court over Nationals of Non-Parties: Legal Basis and Limits”

was awarded the 2003 Giorgio La Pira Prize.

Akande has advised states, international organisations and non-governmental organisations on matters of international law. He has worked with the United Nations on issues relating to international humanitarian law and human rights law; acted as consultant for the African Union on the International Criminal Court and on the law relating to terrorism; and also as a consultant for the Commonwealth Secretariat on the law of armed conflict and international criminal law.

He has trained diplomats, military officers and other government officials on international law. He has also advised and assisted counsel, or provided expert opinions, in cases before the International Court of Justice, the International Tribunal for the Law of the Sea, international arbitral tribunals, WTO and NAFTA Dispute Settlement Panels as well as cases in England and the United States of America.

He is the founding editor of the widely read blog of the European Journal of International Law EJIL.Talk! and has been a member of the boards of a number of journals, academic and professional organisations and one of the editors of the Oxford Companion to International Criminal Justice.



### FEMI FALANA

Nigeria

Femi Falana was born on 20 May 1958 and is a Nigerian human rights activist, lawyer and arbitrator of over 30 years' standing. He currently combines the posts of Managing Director of Legaltext Nigeria and Editor-in-Chief of Weekly Report of Nigeria, and is a member of the editorial board of the THISDAY Newspaper and the Network for the Defence of Journalists in West Africa.

Aside from stints as a member of the National Executive Committee of the Nigerian Bar Association and legal adviser to the Campaign for Democracy, Mr. Falana's past positions include that of President of the National Association of Democratic Lawyers, President of the Committee for the Defence of Human Rights and President of the West African Bar Association. In addition, he also served as Secretary-General of the African Bar Association from 2000 to 2004.

On the international front, he has appeared before the Community Court of Justice (ECOWAS), the Special Court for Sierra Leone, the African Commission on Human and Peoples' Rights in The Gambia, and

the African Court on Human and Peoples' Rights in Arusha.

His many awards include the American Bar Association's International Human Rights Award, the Defender of the Year Award 2000 from the International League for Human Rights (New York), the Bernard Simons Memorial Award for Human Rights from the International Bar Association, and the Gani Fawehinmi Life Time Award on human rights from the Hallmark of Labour Foundation.

In addition he has been honoured for „Outstanding Leadership, Achievements and Contributions to the Advancement of Civil Society, Human Rights and the process of Democratization in Nigeria” by the Commonwealth of Massachusetts State Senate, House of Representatives and Boston City Council, and presented with the Knight of Freedom Award by the Legal Aid Council of Nigeria.

Among Mr. Falana's long list of scholarly papers and publications mention might be made of „Fundamental Rights Enforcement in Nigeria”, „ECOWAS COURT: Law and Practice”, and „Nigerian Law on Socio-economic Rights”.



## RICHARD GOLDSSTONE

South Africa

Richard J. Goldstone was born on 26 October 1938. After graduating from the University of the Witwatersrand with a BA LLB cum laude in 1962, he practised as an Advocate at the Johannesburg Bar. In 1976 he was appointed Senior Counsel and in 1980 was made Judge of the Transvaal Supreme Court. In 1989 he was appointed Judge of the Appellate Division of the Supreme Court.

From 1991 to 1994, he served as Chairperson of the Commission of Inquiry regarding Public Violence and Intimidation, which came to be known as the Goldstone Commission.

From July 1994 to October 2003, he was a Justice of the Constitutional Court of South Africa. He played a major role in the transition from apartheid South Africa to democracy.

From August 1994 to September 1996, he served as the Chief Prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda.

During 1998, he was the chairperson of a high level group of international experts which met in Valencia, Spain, and drafted a Declaration of Human Duties and Responsibilities for the Director General of UNESCO (the Valencia Declaration). From August 1999 until December 2001, he was the chairperson of the International

Independent Inquiry on Kosovo. In December 2001 he was appointed as the chairperson of the International Task Force on Terrorism that was established by the International Bar Association.

In April 2004, he was appointed by the Secretary-General of the United Nations to the Independent International Committee, chaired by Paul Volcker, to investigate the Iraq Oil for Food program.

In 2008, he chaired a UN Committee to advise the United Nations on appropriate steps to preserve the archives and legacy of the International Criminal Tribunals for the former Yugoslavia and Rwanda. In 2009, he chaired the United Nations Fact Finding Mission on possible war crimes and international human rights violations committed by any party in the context of the military action in Gaza in December 2008 and January 2009.

Goldstone received the 1994 International Human Rights Award of the American Bar Association, the 2005 Thomas J. Dodd Prize in International Justice and Human Rights, and the 2009 MacArthur Award for International Justice, announced by the John D. and Catherine T. MacArthur Foundation.

He is the author of *For Humanity: Reflections of a War Crimes Investigator* (2001), and the co-author of *International Judicial Institutions: the Architecture of International Justice at Home and Abroad* (2008).



## HASSAN BUBACAR JALLOW

The Gambia

Hassan Bubacar Jallow is the former Chief Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) (2013-2015), the former Prosecutor of the United Nations Mechanism for International Criminal Tribunals (MICT) and Under Secretary-General of the United Nations (2012-2016).

He studied law in Tanzania, Nigeria and Great Britain and previously worked as Attorney General and Minister of Justice in The Gambia (1984-1994) and as Justice of the Gambian Supreme Court (1998-2002), Judge of the Appeals Chamber, UN Special Court for Sierra Leone (2002), Judge Ad Litem of the International Criminal Tribunal for the former Yugoslavia (2001), and Judge of the Commonwealth Arbitral Tribunal.

He has served the UN, the Organisation of African

Unity, the African Union and Commonwealth as a Legal Consultant on various matters, including governance, human rights, public law, international law and international criminal justice. He has published various books and papers on his subject of expertise and is the author of *Journey for Justice* (2012). He was made Commander of the National Order of the Republic of The Gambia (CRG) in 1985.

Justice Jallow is a member of the Gambian and the Nigerian Bar Associations, as well as being a member of the Chartered Institute of Arbitrators (MCIArb) and the International Association of Prosecutors (IAP). He is Co-Chair of the World Justice Project, a member of the Advisory Council for a Convention on Crimes against Humanity and a member of the Commonwealth Judges and Magistrates Association.



### TIYANJANA MALUWA

Malawi

Tiyanjana Maluwa holds the H. Laddie Montague Chair in Law at Pennsylvania State University School of Law. He previously worked as the Legal Counsel of the OAU (later African Union) and, subsequently, as the Legal Adviser to the Office of the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

Prior to joining the African Union, he was Professor of Law at the University of Cape Town and Extraordinary Professor of Law at the University of Pretoria. He has also taught in a full time capacity and as a visiting professor at other universities in Africa and North America, and spent a year (1989) as a Visiting Research Fellow at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany.

In 1997, he was asked by the United Nations to serve as the Special Rapporteur for Human Rights in Nigeria following the execution of the famed poet-activist Ken Saro Wiwa.

He is the author, editor or co-editor of a number

of books and has published extensively on various aspects of public international law and international organisations. His most recent book is *Law, Politics and Rights: Essays in Memory of Kader Asmal* (2013).

Since 2005, has been a member of the International Jury of the Stockholm Prize in Criminology. In 2008 and 2009 he served as technical expert to the African Union High-Level Panel on Darfur, chaired by former South African President Thabo Mbeki, and co-edited the Panel's report, *Darfur: The Quest for Peace, Justice and Reconciliation*.

In July 2015 he stepped down, after eight years in the position, as the founding director of the Penn State School of International Affairs, and as the Associate Dean for International Affairs of the Penn State Law School, a position he had occupied concurrently since 2005, to return to full-time faculty.

His teaching and research interests are in the fields of public international law, international human rights law, international criminal justice and international organisations.



### ATHALIAH MOLOKOMME

Botswana

Dr. Athaliah Molokomme is the Attorney General of Botswana. She holds a Bachelor of Laws degree from the University of Botswana and Swaziland, a Masters in Law from Yale Law School, and a PhD in Law from Leiden University.

She taught law at the University of Botswana from 1981 to 1996, and has researched and published extensively in the fields of family law, women and law, customary law and employment law. For the past three decades, she has been a regular speaker at national, regional and international conferences, workshops and seminars in her areas of expertise.

She has served on several boards, commissions and professional organisations at a national, regional and international level. Awards include the Women's Human Rights Award from Women, Law and Development International in 1993, the Presidential Order of Meritorious Service for Exceptional Service to Botswana in 1999, and the US Ambassador's award as one of the Vanguard Women Leaders of Botswana in 2005.

From July 1998, Dr. Molokomme was founding head of the Gender Unit at the Secretariat of the Southern African Development Community (SADC), until May 2003 when she was appointed Judge of the High Court of Botswana.

In October 2005, she was appointed to her current position of Attorney General of the Republic of Botswana, in which capacity she acts as Principal Legal Advisor to the country's government under the Constitution, is an ex officio member of the Botswana Cabinet, and represents the Botswana Government on various Boards, Councils and Committees.

For the past decade, she has participated in the annual meetings of the Assembly of State Parties to the Rome Statute of the ICC, often as Head of the Botswana Delegation, and various ASP side events. She was an active participant in the Africa Group negotiations that led to the Kampala Amendments at the Review Conference in June 2010. Thereafter, she facilitated and played a pivotal role in Botswana's ratification of the Kampala Amendments on the Crime of Aggression on 15 April 2013.



## BETTY KAARI MURUNGI

Kenya

Betty Kaari Murungi is a lawyer with over 27 years' wide-ranging experience in the practice of law at a national, regional and international level.

Educated at the University of Nairobi and Kenya School of Law, Murungi is a past visiting fellow of the Harvard Law School's Human Rights Program, where she devoted her research to transitional justice mechanisms.

She has extensive background in international human rights in the context of violent conflict, with experience

in international criminal justice and accountability mechanisms. She has been an integral player in the jurisprudence of international criminal law and international humanitarian law insofar as it pertains to gender.

Ms. Murungi served for a brief period as Vice Chairperson and Commissioner to the Kenya Truth, Justice and Reconciliation Commission, and for three years as the Africa representative on the Board of Directors of the Trust Fund for Victims at the International Criminal Court.



## MOHAMED CHANDE OTHMAN

Tanzania

Mohamed Chande Othman is currently Chief Justice of Tanzania, a position he holds after stints as both a High Court and Appeal Court Judge.

Justice Othman's previous experience includes that of Prosecutor General of East Timor, Chief of Prosecutions of the International Criminal Tribunal for Rwanda (ICTR), and Senior Legal Adviser to the Prosecutor of the ICTR. In addition, he has also worked with the International Federation of the Red Cross and Red Crescent Societies.

Under the flag of the United Nations, Justice Othman

has served as: Head of the UN Independent Panel of Experts, charged with the assessment and examination of new information relating to the tragic death of the former UN Secretary-General Dag Hammarskjöld; member of the UN Human Rights Council's High-Level Commission of Inquiry into the Situation in Lebanon following the Israel-Lebanon Armed Conflict in 2006; and the UN Human Rights Council's Independent Expert on the human rights situation in the Sudan (2009-2010).

His publications include books and peer-reviewed paper on International Humanitarian Law, Refugee Law, Criminal Law and Evidence, and Peacekeeping.



## FATIHA SEROUR

Algeria

Ms. Fatiha Serour is an Algerian national who has held numerous positions within the United Nations and international non-governmental sector. She is currently the Director of Serour Associates for Inclusion and Equity, an association focusing on supporting inclusive approaches to development.

Previously, she served as Deputy Special Representative of the UN Secretary General in Somalia (2013-2014), as Senior Adviser in the Department of Economic and Social Affairs, with the United Nations Assistance Mission in Afghanistan (2000-2006), and

as Director of the Youth Affairs Division, Commonwealth Secretariat, overseeing the largest youth programme in 54 Commonwealth countries (2006-2010).

In her position as Regional Director for Europe, North Africa and the Middle East at the United Nations Office for Project Services (UNOPS) from 2010-2012, she led national and international teams in implementing projects for the United Nations system, international financial institutions, governments and other partners in world aid.

Ms. Serour holds a PhD in Political Economy and an M.A. in International Relations from the University of Aberdeen. She is fluent in French, Arabic and English.



## NAVANETHEM PILLAY

South Africa

The appointment of „Navi“ Pillay as UN High Commissioner for Human Rights was approved by the General Assembly on 28 July 2008 and she held the post until 31 August 2014 after her mandate was renewed for two years in 2012.

Ms. Pillay, a South African national, was the first woman to start a law practice in her home province of Natal in 1967. Over the next few years, she acted as a defence attorney for anti-apartheid activists, exposing torture, and helping establish key rights for prisoners on Robben Island.

She also worked as a lecturer at the University of KwaZulu-Natal, and was later appointed Vice-President of the Council of the University of Durban Westville. In 1995, after the end of apartheid, Ms. Pillay was appointed as acting judge of the South African High Court, and in the same year was elected by the UN General Assembly to sit as a judge on the International Criminal Tribunal for Rwanda (ICTR), where she served a total of eight years, the last four (1999-2003) as President. She played a critical role in the ICTR's groundbreaking jurisprudence on rape as genocide, as well as on issues of freedom of speech and hate propaganda.

In 2003, she was appointed as a judge of the International Criminal Court in The Hague, where she served in the Appeals Chamber until August 2008. In April 2015, Ms. Pillay became the 16th Commissioner of the International Commission against the Death Penalty. She was also named chair of the Special Reference Group on Migration and Community Integration in KwaZulu-Natal, a group formed to investigate the immediate and underlying causes of attacks on migrants.

In South Africa, as a member of the Women's National Coalition, she contributed to the inclusion of the equality clause in the country's Constitution that prohibits discrimination on grounds of race, gender, religion and sexual orientation. She co-founded Equality Now, an international women's rights organisation, and has been involved with other organisations working on issues relating to children, detainees, victims of torture and domestic violence, and a range of economic, social and cultural rights.

Ms. Pillay holds a B.A. LL.B. from Natal University South Africa, as well as a Master of Law and Doctorate of Juridical Science from Harvard University. She was born in 1941, and has two daughters.



## CATHERINE SAMBA-PANZA

Central African Republic

Catherine Samba-Panza was elected president of the Central African Republic in January 2014 by members of the National Transitional Council, the interim parliament, making her the first woman to hold the post. She was president until March 2016, when she handed over power to her successor, Faustin-Archange Touadéra.

Between June 2013 and January 2014, she

was appointed the mayor of Bangui by the interim government after she was accepted by both the Seleka rebels and their opponents during the 2012-2013 conflict due to her reputation for neutrality and incorruptibility.

A successful businesswoman and corporate lawyer, she has also been active in reconciliation efforts and civil society organisations, promoting women's rights.



## ABDUL TEJAN-COLE

Sierra Leone

Abdul Tejan-Cole is Executive Director of the Open Society Initiative for West Africa (OSIWA). Prior to his appointment, Mr. Tejan-Cole served as Commissioner of the Anti-Corruption Commission in Sierra Leone, from December 2007 to April 2010.

His previous positions include: Attorney at the Special

Court for Sierra Leone; Deputy Director for the International Centre for Transitional Justice (ICTJ), Cape Town Office; and President of the Sierra Leone Bar Association.

Mr. Tejan-Cole also has extensive experience working with the Open Society Institute (OSI). He served as Board Chair of OSIWA from 2002-2007, and has also served as a member of the Board of the Open Society Justice Initiative (OSJI).