

### **Litigating the obligation to Prosecute or Punish before an African Regional Mechanism**

#### **Center for Justice and Accountability**

#### **Project Overview**

Center for Justice and Accountability (CJA) is currently developing legal strategies to address ongoing impunity for conflict-related crimes in a country in West Africa. Serious crimes involving violations of international law were identified by an independent commission following the conflict. These international crimes included torture, summary executions, sexual violence, and massacres of civilians committed by all parties to the conflict. An independent commission recommended investigations and prosecutions of persons most responsible for the abuses by the State, and recommended the establishment of a hybrid internationalized court to conduct fair trials against the senior leadership of the warring factions, as well as other individuals identified as most responsible for the abuses. Despite the serious nature of these abuses, and reports identifying perpetrators and groups responsible for these violations, no domestic prosecutions have taken place, nor have any efforts been made to provide redress or accountability to the victims of the conflict.

CJA is working in partnership with domestic and international civil society organisations to develop a strategy around State obligations under regional human rights instruments, including the African Charter on Human and People's Rights and customary international law.

To support this work, the Human Rights Centre Clinic will undertake research into allegations of human rights violations made against leaders of the five warring factions during the course of the conflict. This research will include identifying and collating open source documentation on the abuses. Based on this documentation, the project will culminate in a report to CJA on the nature and scope of the allegations against each individual and their group.

#### **About the Center for Justice and Accountability**

The Center for Justice and Accountability (CJA) is an international human rights organization dedicated to deterring torture, war crimes, crimes against humanity and other severe human rights abuses around the world through litigation, policy advocacy, and outreach in pursuit of truth, justice and redress for victims and survivors. CJA was founded in 1998 with support from Amnesty International and the UN Voluntary Fund for Victims of Torture to represent torture survivors in their pursuit of justice.

CJA has pioneered a survivor-centered legal strategy, both in the United States and abroad, to hold human rights abusers accountable. CJA has won judgments in high profile cases against perpetrators of human rights abuses from Bosnia, Cambodia, Chile, China, El Salvador, Haiti, Honduras, Peru, Somalia, and Timor Leste. Today, CJA represents over 200 clients in litigation against 45 alleged perpetrators involving abuses committed in 17 different countries in domestic courts, and 145 survivors of the Khmer Rouge regime as Civil Parties before the Extraordinary Chambers of the Courts of Cambodia.

### Project Output

The research will include developing a methodology for, and identifying and collecting reliable documentation of human rights violations committed by the warring factions. The documentation will include reporting by international human rights organizations and the United Nations, declassified and public government reports, newspaper articles, and public testimony before the independent commission. Research findings will be compiled into summary in a report, with a bibliography, which will form the basis of our legal action.

### Project Outline:

- Phase 1: (November-December)
  - Developing a research methodology
  - Developing knowledge of the conflict and relevant regional and customary human rights standards
  - Identification of documentation and preservation and classification of open source materials identifying human rights abuses committed by five warring factions during the conflict period, in a way that allows the CJA to reconstruct provenance and authenticate documents
  - By the end of term, to submit a 10 page report to the partner, which includes: a literature review and bibliography; a list of relevant regional and customary human rights standards; and the research methodology that will be used to locate documentation. The literature review should identify key sources of information, including an assessment of their reliability; key information on the warring factions and leaders and allegations of the human rights violations carried out; any gaps in information.
- Phase 2: (January-March)
  - Hold a meeting (by skype) with the partner at the start of term to receive feedback, ask questions, and plan for the term ahead
  - Research and write up and review report identifying the breadth of abuses linked to each group. The first draft of the report, including annexes, should be submitted to CJA no later than the end of March.
- Phase 3: (April-June)
  - Revision of report, and legal research involving regional treaty obligations, including jurisprudence, as well as relevant customary international law at the time of the conflict, to investigate and prosecute serious crimes identified in the report.

### Project Bibliography

A bibliography will be provided to the students working on the project at the outset by the Academic Project Supervisor.