

**Supporting National Prison Systems: Lessons Learned and  
Best Practices for Peacekeeping Operations**

**Criminal Law and Judicial Advisory Unit  
Peacekeeping Best Practices Section**

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**Lessons Learned Study on Peacekeeping Operations and Criminal Justice: Best Practices  
and Guidance to the Field in Support of National Prison Systems  
December 2005**

**1. Executive Summary**

*A functioning and humane prison system is integral to the re-establishment of rule of law and to security sector reform.*

*DPKO contributes to this through programmes that build the capacity of national prison staff.*

*Lessons learned are also relevant to other areas of governance.*

*Key lessons include:*

*-the importance of clear and appropriately resourced mandates,*

*- the importance of national ownership and engagement,*

*-the importance of political will and civil society support.*

Since 1999, the Department of Peacekeeping Operations (DPKO) has provided support to national prison systems in peacekeeping environments, as part of a strategy to ensure that the international community's investment in reforming national police services is not undermined by the absence of a functioning and humane prison system. This relationship was articulated in the Brahimi Report,<sup>1</sup> and it has since been further recognized that such support is integral to the re-establishment of rule of law and to security sector reform.<sup>2</sup>

The overall objective of prison support is to contribute to the maintenance of sustainable peace and security by building national prison staff capacity to develop and manage a viable, safe, secure and humane prison system. At its most basic level, strengthening and re-establishing a prison system is about rehabilitating buildings which are 'fit for purpose', recruiting and training appropriate staff to manage those prisons, and developing legislation, policies, procedures and systems which enable the system to function in a coherent, integrated and accountable manner. These same building blocks are relevant to other areas of governance, and much has been learned about institution building and what works, in the context of re-establishing governance structures, from the experience of re-establishing prison systems. Key lessons learned concern mandates, programme implementation and support, and partnerships.

The importance of clear, appropriately resourced mandates should not be underestimated. Mandates which specify the objectives of prison support would establish a more effective framework for mission support programmes. Equally important is the resourcing of those mandates. Currently weak resourcing of mission prison components continues to undermine both the prison support programme and the investment in police reform.

Encouraging national ownership, generating political will, and facilitating civil society involvement in the prison system are complex and difficult processes, yet each is critical to the successful development of the system. Managing the expectations of national authorities, the UN system, development partners and other stakeholders is also important to programme success. Capacity building too is complex and difficult. It takes time and patience. Prison experts are often under pressure to undertake 'in-line' functions relating to security and humanitarian issues. By undertaking these functions they deny national counterparts the opportunity to acquire new skills but often determine that risking negative outcomes especially where security may be jeopardised, is not an

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<sup>1</sup> Report of the United Nations Panel on Peace Operations, Lakhdar Brahimi, Chairman, U.N. Document A/55/305-S/2000/809 (August 21, 2000).

<sup>2</sup> The *International Policing and the Rule of Law in Transitions from War to Peace*, Norwegian Institute of International Affairs, 2004.

acceptable option. They must therefore balance the consequences of delaying the acquisition of skills with the consequences of not taking specific action to deal promptly with an acute security or humanitarian situation.

*An incremental bottom-up approach to re-establishing prison capacity works.*

An incremental bottom up approach, which gradually builds a prison system, has proved an effective strategy for rapidly re-establishing short-term prison capacity. This approach involves the development of operational procedures, staff job roles, and prisoner and management systems, which then provide the foundation for subsequent strengthening of a prison system. It is not uncommon that host-country governments are unable to meet the basic needs of the prison system (e.g., secure accommodation, food, water, and medical care for prisoners and salaries for staff) during the early phase of a peacekeeping mission, a time when the creation of secure prison accommodation is critical given a rapidly expanding international and national police presence and an often increased arrest rate. While mission management can do much to encourage a host government to meet its obligations to meet these needs, the resulting tensions must be managed by prison components. A strategy which recognizes these issues and provides funding to provide basic humanitarian and security needs should be developed.<sup>3</sup>

*Cross-cutting issues require that all parts of the criminal justice system work together to resolve them effectively.*

During the early phase of a mission it is also necessary to recognise that issues which have their genesis in one part of the criminal justice system, but impact on other parts of the system, can only be effectively addressed when the affected parts i.e. police, judicial and prisons personnel work together on these issues, (e.g., prison overcrowding is often due to the dysfunction of the judicial system).

*Prison support programmes must include the early engagement of long-term development partners and donors.*

Equally true is that sustainable re-establishment and strengthening of a prison system is unlikely to be completed during the relatively short life of a peacekeeping operation. This supports the early engagement of development partners and donors and such an approach should be an element of any transition strategy. In addition to the efforts of the prison components, the Office of the Special Representative of the Secretary-General (SRSG), within an integrated mission structure, has a key role to play in encouraging donor support for the long-term development of the prison system.

*Recruitment of field mission personnel should occur simultaneously with initial police deployment.*

The use of multiple recruitment mechanisms for mission prison personnel maximizes the pool from which expertise can be drawn. While phased deployment of personnel has proved appropriate, prison components have been deployed to missions later than police. The simultaneous early arrival of prison experts would more effectively support police work, eliminate the need to divert police resources to prisons, reduce confusion concerning roles and responsibilities and enhance the capacity to develop a fully coherent approach to strengthening the police, judicial and prison systems. Organizationally, prison components reporting directly to the Deputy Special Representative of the Secretary-General (DSRSG) are able to more effectively carry out their roles and meet mission management needs than when reporting through either police or rule of law units.

*The most effective organizational structure is where the prisons support component reports directly to the DSRSG.*

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<sup>3</sup> NB: 'Prisoners' refers to all detained persons including: un-convicted, pretrial, convicted and sentenced.

The publication of the directive “Prison Support in UN Peacekeeping Operations” 10 December 2005, and guidance manual will do much to fill a current gap. Pre-deployment training programmes deliverable by Member States, in-mission training programmes deliverable by DPKO, and a programme review and evaluation strategy, would enhance the accountability of DPKO prison support programmes.

*Independent, formal monitoring of prison conditions is an essential element of an accountability framework.*

*Prisons can provide a window to key community issues that may jeopardize peace and security.*

Monitoring of prison conditions and management practices must be a key activity of any peacekeeping operation. It is critical that independent, formal monitoring by human rights personnel of compliance with international norms and standards be a key element of prison support programmes.

Finally, prisons in peacekeeping environments can be useful indicators and barometers of community mood and key issues, including issues that may jeopardize the peace and community security. The prison population typically reflects the diversity of the community including angry young men that are among those groups most likely to disrupt the peace. Although imprisoned, the majority of prisoners remain connected to the community through contact with family, friends and staff. To date, political sections of missions have yet to capitalize on this reality through focus groups or other arrangements during regular visits to prisons.

## **1.1 Lessons learned/recommendations**

A. **Mandates** should explicitly state the objectives of the prison support programme. Sufficient resources must be allocated to enable the desired outcomes to be achieved.

B. Encouraging **national ownership**, generating **political will**, and **civil society involvement** in the prison system are complex and difficult processes, yet are key to success of programme support. The related issue of **managing expectations** is fundamental to the development of effective relationships (and therefore effectiveness of effort) with government, civil society, and within the mission, particularly with police, judicial, gender and human rights personnel.

C. The potential impact of the **political strength of the SRSG’s office** should not be underestimated. Emphasising the link between a prison system, the establishment of rule of law and security sector reform, can encourage a host-government to meet its obligation to provide for the basic security and humanitarian needs of prisoners and encourage civil society participation in the development of the prison system.

D. An **integrated approach to cross-cutting issues** is necessary. Effective resolution of issues which have their genesis in one element of the criminal justice system and impact on other elements can only occur when all elements of the criminal justice system work together on the issue (e.g., prolonged pre-trial detention resulting in prison overcrowding).

E. The development of a **programme review and evaluation** framework which includes standardised work plan and reporting templates should be considered as a means of enhancing the accountability of prison support programmes.

F. An **incremental bottom-up approach** that focuses on the re-establishment of secure accommodation through the development of operational procedures, staff job roles, and prisoner

and staff management systems, can be an effective approach to the early re-establishment of a collapsed system.

G. Facilitating the **enhancement of process skills** of national prison personnel rather than emphasizing content and provision of ‘answers’, is likely to be the more effective legacy in terms of sustainable development of a prison system.

H. The importance of establishing a **formal and independent monitoring system** as a fundamental principle of an effective and accountable prison system should not be underestimated. It is essential that this function be undertaken by international and national human rights bodies, independent of mission prison personnel, as part of a broader framework of accountability and oversight mechanisms. This institutional arrangement should be recognised and enshrined in policy.

I. A structured **mentoring programme** is more effective when implemented as an element of a formal training programme and provided by prison experts co-located in the prisons. Documenting the **mentoring programme** developed in UNMIL as a model and supporting this with a training programme for delivery by both Member States in pre-deployment training and field missions during orientation, would enhance this key capacity-building strategy.

J. Mission **training support to national authorities** would be enhanced by early identification of national training instructors as the nucleus of future national training capacity, provision of a generic prison staff training manual reflecting applicable international standards, and ready access to all training materials developed in current and previous missions.

K. The formal national **vetting and recruitment** programme developed by UNMIL should be regarded as a template when developing host-country specific vetting mechanisms, as should strategies encouraging recruitment and retention of national female staff.

L. The use of multiple **recruitment mechanisms for mission staff** provides the widest pool from which to draw prison experts and should be continued. Short term consultancy contracting should also be utilised. The use of secondment mechanisms, however, should either be discontinued in missions with low numbers of prison positions and the positions formalised as civilian contract positions, or the duration of secondments in ‘light footprint’ missions be extended from twelve months to two years.

M. The Secretary-General’s Report recommending the establishment of a mission should specify the **number of prison personnel to be seconded** to a mission separately from numbers of police, to eliminate the confusion concerning recruiting and reporting arrangements.

N. In any mission, a **minimum of two prison expert posts** is necessary to ensure continuity and consistency of programme support since the incumbent of any post is technically available for approximately nine months per year only given various leave entitlements.

O. A generic **pre-deployment training programme** and **induction programme** should be developed and provided to Member States and missions, for tailoring to the particular needs of the mission.

P. The absence of **funding for basic security and operational requirements** limits the capacity of the mission personnel to undertake their roles in the initial phase of a mission. Provision should be made in the mission start-up budget for prison support. This may include:

*basic security equipment (e.g., locks, keys, grilles, flashlights, food, water, basic health care) and payment (stipends) for national prison recruits during their first twelve months of service. At the same time, mission staff should work with the national government to ensure these future recurrent costs can be met from the prison service budget.*

*Q. The engagement of **UN system and external development partners and donors** has proved difficult in most missions. Early engagement of development partners should be an element of any prison support programme because strengthening a prison system is unlikely to be completed within the comparatively short lifetime of a peacekeeping mission. Early engagement would assist programme coherency and help provide a seamless transition to long-term support and is consistent with an integrated approach to peacekeeping.*

*R. DPKO should develop within its **Disarmament, Demobilisation and Reintegration (DDR)** policy an approach which promotes support for the inclusion of prisoners, particularly un-convicted persons, in any DDR programme.*

*S. DPKO should work with the **UN Electoral Assistance Division** to develop a policy which supports inclusion of prisoners in election processes where they have a legal right to vote.*

## 2. Introduction

*Re-establishing a prison system includes: rehabilitating buildings, recruiting and training staff, developing legislation, policies and procedures and developing accountability mechanisms.*

*The objective is to assist national personnel to develop and manage a viable, safe, secure and humane prison system.*

*Mission prison support lays the foundation for long term development.*

*The Brahimi Report described the importance of supporting the prison system in peacekeeping environments.*

*46 prison experts are currently employed in 7 non-executive missions.*

Much has been learned about institution building and what works in the context of re-establishing governance structures from the experience of re-establishing prison systems. At its most basic, re-establishing a prison system is about rehabilitating buildings which are ‘fit for purpose’, recruiting and training appropriate staff to manage those prisons, and developing legislation, policies, procedures and systems which enable the system to function in a coherent, integrated and accountable manner. These same building blocks are relevant to other areas of governance.

The overall objective of prison support programmes is to ‘contribute to the maintenance of sustainable peace and security by providing essential support to national personnel to develop and manage a viable, safe, secure, and humane prison system free of human rights violations, through the transfer of knowledge and skills.’<sup>4</sup> In this work, personnel are engaged in both the process of security-sector reform and the establishment of rule of law.<sup>5</sup> These programmes are underpinned by a human rights approach to prisoner management and confined to those initiatives which are essential to the maintenance of sustainable peace and security. This means support activities have a short to medium term focus while laying the foundation for long term development by the national government and/or other actors.

## 3. Background

The importance of integrating the range of civilian expertise needed to consolidate peace and maintain security in post-conflict peacekeeping environments was articulated in the Brahimi Report<sup>6</sup> and more recently in the Secretary-General’s Rule of Law Report (S/2004/616 of 3 August 2004). Historically, mandates have provided for police reform and have only more recently given attention to prisons and courts, largely as a result of the experiences of the 1990’s. There is now real recognition that a humane, secure, viable, and rehabilitative prison system is a key component of an effective criminal justice system, and that since good governance is an integral part of security sector reform and rule of law, it is essential that the strengthening of a prison system be a key activity of any multi-disciplinary peacekeeping effort.

In addition to the executive mission in Kosovo (UNMIK), prison support is currently provided in the non-executive missions of Liberia (UNMIL), 22 positions; in Cote d’Ivoire (ONUCI), 9 positions; in the Democratic Republic of the Congo (MONUC), 1 position; in Afghanistan (UNAMA), 1 position; in Burundi (ONUB), 1 position; and in Haiti (MINUSTAH), 4 positions. Support will also be provided within the mission in Sudan (UNMIS), 8 positions.

<sup>4</sup> DPKO Policy Directive, “Prison Support within United Nations Peacekeeping Operations”, December 2005.

<sup>5</sup> *International Policing and the Rule of Law in Transitions from War to Peace*, Norwegian Institute of International Affairs, 2004.

<sup>6</sup> Brahimi, Op Cit.

*This study focuses on prison support in the non-executive missions of UNAMA and UNMIL.*

*UNAMA and UNMIL differ in their mandates, resourcing and organisational structures.*

*Prison components should report directly to the DSRSG. Where this is not practicable, they should be located within judicial units. In all missions they should be separated from the police.*

This study focuses on the non-executive missions, primarily, UNMIL, ONUCI, and UNAMA. It describes the models developed in UNAMA and UNMIL, identifies and analyses lessons learned and makes recommendations concerning these lessons.

#### **4. Description of the models developed in UNAMA and UNMIL**

The UNAMA and UNMIL missions differ in their mandates, resource allocation and organisational structures. UNAMA, a ‘light footprint’ mission, includes one prison expert position, originally located within the police structure, now transferred to the Rule of Law Unit. The UNMIL mission, having a more expansive mandate<sup>7</sup>, has twenty-two prison experts and four administration and budget positions, and as a unit, reports directly to the P/DSRSG Rule of Law and Operations, as do the police, judicial, gender and human rights components. Mechanisms have been established to assist co-ordination among these components. For example, a Rule of Law Committee provides a senior level forum to co-ordinate programmes and address cross-cutting issues. A Case Flow Committee<sup>8</sup> addresses prolonged pre-trial detention.

Experience demonstrates that prison components should report directly to the DSRSG. This enables mission management to have direct knowledge of the key prison issues, affords prison components access to decision making and co-ordination forums where prison system issues can be comprehensively and accurately presented thereby maximising the contribution of these components. However where prisons components are small in number, administrative efficiency demands that they be combined with other components. They have been combined with police (e.g. UNAMA) and judicial units (e.g. ONUCI, UNMIS, MINUSTAH), reporting through the heads of these units. Experience demonstrates that both arrangements weaken the contribution prison components are able to make. Placement in both police and judicial units has resulted in prison system issues not being comprehensively presented to mission management and exclusion from co-ordination and decision making forums. As a result, the impact of prison support programs has been more limited in these missions. Given that it will sometimes be impractical to report directly to a DSRSG (Rule of Law or similar) because of the small size of the prison component, it is preferable that the component report through the judicial unit since experience demonstrates that when placed in a police unit prison personnel are regularly tasked with police related duties. It should also be recalled that international standards promote the separation of the prison system from police control<sup>9</sup> and to demonstrate UN support for this standard the mission structure should reflect recognition of this UN standard.

In UNAMA, the prison expert undertakes a strategic advisory role to both the mission and the national prison authority, addressing issues such as the transfer of the prison system from the Ministry of the Interior to the Ministry of Justice, and legislative reform. The incumbent plays a key role in supporting national

<sup>7</sup> S/RES/1509(2003) 3(q) “To assist the transitional government...in developing a strategy to consolidate governmental institutions, including...and judicial and correctional institutions.”

<sup>8</sup> Committee comprises mission corrections, judicial, human rights and national judicial officers.

<sup>9</sup> UN, 1977: Rule 46

*Prison experts undertake: strategic advisory roles, 'backstopping', assessment and strategic planning, mentoring, recruitment and training, donor engagement, building community support.*

*Co-locating prison experts with national staff contributes to stabilizing the prisons.*

*Prison components should be deployed at the same time as the police to help avoid operational problems and administrative confusion.*

*Engagement of donors is a key element of mission support.*

strategic planning processes, facilitating the engagement of donors, building community support for the prison system, conducting assessments and training. In addition to these roles, UNMIL, which was established as a robust mission has also undertaken a 'back-stopping'<sup>10</sup> role with heavy emphasis on training and mentoring as strategies for supporting the re-establishment of the national system. This support has included a structured mentoring programme, the development of management, specialist and general training programmes, the development of a national vetting system and the recruitment of staff.

Co-location, a feature of the UNMIL model, has enabled prison experts to be present in Monrovia's Central Prison, seven days per week. This arrangement has been a significant contributor to developing and stabilizing this prison. Co-location of administration and budget personnel was delayed until late 2005 due in part to the lack of national counterparts and lack of facilities for the mission staff in national headquarters. In addition to their capacity building responsibilities, prison experts, in both missions, provide strategic and operational advice to other components, particularly, mission management, police and human rights staff concerning prison issues related to mission responsibilities, and to the missions' political engagement with the national government and international entities.

At the time UNMIL was established, the Liberian prison system had ceased to function. Deployment of prison experts was phased, commencing with four personnel in February/March 2004, followed by ten additional personnel in May 2004 and a further eight in April 2005. While phased deployment is appropriate, and the initial deployment occurred relatively early in the mission timetable, international police had been deployed earlier. The absence of prison experts during this early period, when police cells became overcrowded and UN police were required to work with national prison staff to commence re-establishing the prison system, resulted in complicating later relationships between international and national prisons and police personnel and civil society representatives. The simultaneous early arrival of prison experts would avoid such complications, more effectively support police work, reduce confusion concerning roles and responsibilities and enhance the capacity to develop a coherent approach to strengthening the police, judicial and prison systems.

In both missions, engagement of development partners has been a key strategy. The experience of each differs. There was significant donor interest in Afghanistan from the time of the Bonn Donor Conference (2000) with the United Nations Office of Drugs and Crime (UNODC) and the Government of Italy committing resources. UNMIL efforts to engage donors met with less interest. Eighteen months after the commencement of the mission two major donors have committed funding.

## **5. Analysis of Key Issues**

### **5.1 Mandates and Resource Allocation**

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<sup>10</sup> 'Back-stopping' includes operational advisory, mentoring and training support and includes co-location of national and mission prison personnel, in prisons.

*Security Council mandates give insufficient recognition to the contribution of the prison system to the achievement of peace and security.*

*Weak mandates and under-resourcing of prison components continue to undermine the Member States' investment in the re-establishment of prison systems and the reform of police services and judicial systems.*

*Mandates should specify explicit objectives for prison support programmes and adequate resources should be provided.*

Since 1999, Security Council mandates, with the exception of UNAMSIL, have included a general provision concerning the strengthening of prison systems. However, given that a primary objective of a peacekeeping operation is to establish security, mandates generally give insufficient recognition to the role of the prison system in contributing to that end state. As a result, the absence of adequate investment in this element of the criminal justice system continues to undermine efforts to strengthen national police services and judicial systems. An exception is UNMIL where resource allocation is commensurate with the provisions of the mandate and appropriate to need.<sup>11</sup> In other missions, however, the provisions of the mandate and the subsequent resource allocation lack congruence. For example, the Secretary-General's report proposing the establishment of MINUSTAH (S/2004/300) states, "restarting the activities of the corrections system will be a priority..." Security Council resolution 1542 (2004), reflects this "...to assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti through the provision...of operational support...including the re-establishment of the corrections system." The resources allocated (four positions) do not, however, reflect the strength of the mandate nor the need on the ground. A similar situation exists with respect to ONUCI in which eight positions were provided despite a strong mandate.<sup>12</sup>

While police, judicial and prisons headquarters planning officers have worked together when planning for these components, mandates continue to lack specificity in relation to prison support and the generally weak resourcing of prisons components in missions has continued to undermine the UN's investment in the reform of police services because of the lack of capacity of national prison systems. Police Commissioners have continued to raise their concerns about the impact the absence of adequate numbers of prison experts have on their police reform programmes. More explicit mandates and allocation of resources commensurate with the strength of the mandates would enhance the missions' capacity to support the national prison system and in doing so preserve the investment in the judicial and police systems.

## **Recommendations/Lessons Learned**

A. *Mandates should explicitly state the objectives of the prison support programme. Sufficient resources must be allocated to enable the desired outcomes to be achieved.*

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<sup>11</sup> Secretary-General's report (S Res 1509(2003) stated, "UNMIL should have the capacity to provide substantive assistance on issues relating to the prison system, focusing on three principal areas: prison reform; training and development of prison service personnel; and prison system monitoring."

<sup>12</sup> Secretary-General's Report (S/2004/3Add.1, 16) 'It is essential to the maintenance of law and order ...restore the administration and public services should thus be included the re-establishment of the prison system and long term under-resourcing are among the root causes of widespread human rights abuses and insecurity'

## 5.2 Programme Implementation Approach

*Programmes should be built around:*

- *Immediate Response Activity*
- *Capacity Building*

*A programme review and evaluation framework should be developed.*

*Taking immediate action to address basic humanitarian and security needs, in the absence of a long term plan, need not compromise long term development.*

*Capacity building requires patience. Pressures to ‘get a task done now’ can be intense.*

*Prison experts need to balance the consequences of delayed skills acquisition by national staff with the consequences of not taking specific action to address an immediate situation.*

This study, including feedback from national counterparts, mission personnel and international actors supporting prison systems in peacekeeping operations, suggests that a prisons support strategy should be built around two types of actions:

1. Immediate Responsive Activity – issues that must be addressed in the immediate future, e.g. creation of secure prison accommodation and provision for basic needs of prisoners (food, potable water, sanitation and critical health care).
2. Capacity Building – programmes which build national capacity to develop and manage a viable, safe, secure and humane prison system, e.g. strategic planning, legislative review, policy and procedural development, development of national management and training capacity.

The provisions of the Security Council mandate, Mission Plan, pre-mission planning assessment and the comprehensive assessment undertaken by prison experts deployed to the mission determine the content of the mission specific prison support work plans. These work plans vary considerably in their format and comprehensiveness as do the weekly reports. The development of a programme review and evaluation framework should be considered and include standardised work plans and weekly reporting templates which incorporate performance indicators linked to the mission strategic planning processes, as a means of enhancing the accountability of current support programmes.

Initial efforts to rebuild the Liberian prison system largely focused on: accessing funding for the rudimentary rehabilitation of prisons, the development of operational procedures and national staff job roles, and prisoner and staff management systems. The literature indicates sustainability is increased by the development of long-term plans and broad participation from a range of stakeholders before commencing the re-establishment of a governmental department. Experience, however, indicates that a basic prison system with immediate prison beds can be rapidly developed through this bottom-up approach, without undermining long-term development.

After re-establishing the Monrovia Central Prison, the formation of an overall plan for the development of the prison system was commenced. Regional prison assessments were undertaken, projections of future prisoner populations developed, and potential government and donor funding identified. A comprehensive plan, which included project proposals for consideration by donors, relating to infrastructure, training, security, communication and staff needs, was developed. Simultaneously, a training needs analysis was undertaken and training programmes for all levels of staff developed and delivered.

In addition to early re-establishment activities, mission staff worked with national authorities in both missions to address: the implementation of applicable human rights standards, strategic planning, policy development, training, organisation structures, donor relations and funding, and specific prison management issues including the management of pre-trial detention, juvenile justice, the management of vulnerable groups and contingency planning.

*The greater long-term legacy will be the development of national staff capacity not the outcomes of day-to-day management of operational issues by prison experts.*

*Developing national participation is challenging – the more so when the government’s position on prison development is not clear and where expectations don’t meet reality.*

*Imprisonment is an inherently political issue.*

*Both prison experts and mission management need to facilitate and encourage national involvement at all levels.*

*Cross-cutting issues can only be effectively addressed with the involvement of all relevant parts of the criminal justice system.*

*Formal, independent human rights monitoring is a fundamental element of an accountable and transparent prison system.*

The extent of national ownership and engagement in these processes, however, has been variable due in part to low numbers of national staff and their limited availability. Prison experts know well that national participation in these processes is critical to the sustainability of any support initiative, yet the demands of the situation have often required that these activities be substantially undertaken by mission staff. Effective practical solutions have yet to be developed for managing the dilemmas which arise from the pressures to address day-to-day operational prison issues while teaching and facilitating the development of national staff process skills. In practice, national staff often allow prison experts to intercede in operational issues and situations do arise in which the critical nature of the situation does require that the prison expert takes action. The process of teaching and facilitating the development of strategic process skills takes time, requires patience and is likely the most enduring legacy that will be provided. Prison experts need to balance the consequences of the lost opportunity and delayed skills acquisition by national staff with the consequences of not taking ‘in-line’ actions at any time.

Although essential to a prison system, attention has only recently been given to creating headquarters capacity to support the prison system in Liberia due to the absence of national counterparts in Liberia’s prison department in administration, finance and budgeting, strategic and operational planning and human resources. Ideally this would be an area of earlier attention.

Developing national participation presents numerous challenges particularly where a transitional government has yet to develop a clear position on prison reform and development, and where complications have arisen from unrealistic expectations about the nature and level of support that can be provided by a peacekeeping operation. It is clear that generating political will and actively encouraging national ownership is a complex and difficult process and cannot be effectively developed by prison experts alone. Imprisonment is an inherently political issue, and, as such, it is important that mission management encourage national engagement in and ownership of the prison system, at both the political and technical assistance levels.

Many operational issues are cross-cutting i.e. their genesis is in one part of the criminal justice system while the impact is experienced elsewhere in the system (e.g., prison overcrowding.) Such issues can only be addressed when all elements of the system work together. The introduction in UNMIL of co-ordination mechanisms (e.g., the Rule of Law Task Force, the Case Flow Committee) has assisted the effective resolution of these issues.

In both UNAMA and UNMIL, the prison support models assume and rely on the presence of international and national human rights personnel to undertake formal independent reporting on prison conditions and practices including proposing effective remedial action, training of prison staff, detainees and prisoners and the development of a national human rights capacity. While prison components undertake assessments and monitoring to inform their own work, this reliance on human rights components is a key aspect of prison system support, demonstrating the importance of formal and independent monitoring as a fundamental principle of an effective and accountable prison system. It is

Prison support programmes rely on human rights monitoring.

critical that human rights and prison units develop effective working relationships, and that this institutional arrangement be recognised and enshrined in policy to ensure external oversight and clarification of the roles and relationships of these components.

### Recommendations/Lessons Learned

B. Encouraging **national ownership**, generating **political will**, and **civil society involvement** in the prison system are complex and difficult processes yet key to the success of programme support. The related issue of **managing expectations**, is fundamental to the development of effective relationships (and therefore effectiveness of effort) with government, civil society, and within the mission, particularly with police, judicial, gender and human rights personnel.

C. The potential impact of the **political strength of the SRSG's office** should not be underestimated. Emphasising the link between a prison system, the establishment of rule of law and security sector reform, can encourage a host-government to meet its obligation to provide for the basic security and humanitarian needs of prisoners and encourage civil society participation in the development of the prison system.

D. An **integrated approach to cross-cutting issues** is necessary. Effective resolution of issues which have their genesis in one element of the criminal justice system and impact on other elements can only occur when all elements of the criminal justice system work together on the issue (e.g., prolonged pre-trial detention resulting in prison overcrowding).

E. The development of a **programme review and evaluation** framework which includes standardised work plan and reporting templates should be considered as a means of enhancing the accountability of prison support programmes.

F. An **incremental bottom-up approach** that focuses on the re-establishment of secure accommodation through the development of operational procedures, staff job roles and prisoner and staff management systems, can be an effective approach to the early re-establishment of a collapsed system.

G. Facilitating the **enhancement of process skills** of national prison personnel rather than emphasizing content and provision of 'answers', is likely to be the more effective legacy in terms of sustainable development of a prison system.

H. The importance of establishing a **formal and independent monitoring system** as a fundamental principle of an effective and accountable prison system should not be underestimated. It is essential that this function be undertaken by international and national human rights bodies, independent of mission prison personnel, as part of a broader framework of accountability and oversight mechanisms. This institutional arrangement should be recognised and enshrined in policy.

### 5.3 Advisory and Mentoring Programme

In UNMIL, advisory and mentoring functions are undertaken by the same persons with mentoring being "on the job" training. This structured approach focuses on supporting the implementation of issues addressed in earlier training programmes, and also responds to day-to-day institutional issues. A requirement

*Mentoring is practiced as a form of structured on-the-job training.*

*It supports implementation of training programmes and addresses day-to-day operational issues.*

*DPKO should develop a training programme to teach mentoring skills.*

for comprehensive record-keeping ensures high levels of accountability by prison experts co-located in the prisons. Mentoring of senior national personnel has been relatively unstructured due to various factors including issues relating to seniority and the effect of misalignment of expectations of the nature of support the mission would provide.

Challenges to developing effective advisory and mentoring programmes relate to international and national staff. Personnel deployed to missions have extensive experience in various jurisdictions but do not necessarily share common approaches. Given this diversity, the development of a programme to teach mentoring skills for inclusion by Member States in pre-deployment training and/or for use by missions would strengthen mission efforts. Relatively low national staff literacy levels and the absence of a culture of accountability and documentation provide challenges to all aspects of the capacity-building programme including mentoring and must be accounted for in programme design and delivery.

## **Recommendations/Lessons Learned**

I. *A structured **mentoring programme** is more effective when implemented as an element of a formal training programme and provided by prison experts co-located in the prisons. Documenting the **mentoring programme** developed in UNMIL as a model and supporting this with a training programme for delivery by both Member States in pre-deployment training and field missions during orientation, would enhance this key capacity-building strategy.*

*National staff should be involved in the development and delivery of training programmes from the earliest stage.*

*This would build national training capacity and ensure that the training programmes reflect the national situation.*

*The Rule of Law Knowledge Network should be used to distribute training programmes between missions.*

## **5.4 Training Programme**

A key challenge in UNAMA, ONUCI, and UNMIL has been the engagement of national staff in the process of developing and delivering training programmes. While the importance of developing a national training capacity from the commencement of the mission is well recognised, various factors, including low numbers of national staff and delayed nomination of national training officers have limited the development of this capacity. More recently, Liberian recruits who have the potential to be instructors have been identified and training of these personnel, as instructors, is due to commence in late 2005. At the time UNMIL was established, it had been at least fourteen years since national staff had been provided training. Short training programmes which contributed to rapid upgrade of knowledge and skills, particularly security and human rights issues were developed and delivered, for all levels of staff and a national training framework, and specific issue training programmes were developed. Simultaneously, a twelve-month training programme comprising three months of formal classroom training was developed and delivered to fifty-nine recruits in mid-2005.

In ONUCI, the training focus was also initially on basic refresher training programmes. ONUCI personnel were unable to use the programmes developed within UNMIL as references because of language differences and so based their programme material on training manuals from a French speaking jurisdiction. In Afghanistan, UNAMA provided training support to senior departmental personnel in relation to: the development of a national training framework and

programme development; the organisation and facilitation of workshops relating to the development of legislation, human rights issues, and the management of overcrowding and other major issues.

Despite the differences between host-country environments, the availability of both an approved generic training manual and the mission specific training courses would reduce the re-work undertaken by mission prison experts, potentially enhance the quality of the training materials, and could provide a ready reference concerning applicable international instruments. Similarly, all training materials developed by mission personnel should be readily accessible to all missions. The recently established Rule of Law Knowledge Network can facilitate such access.

## **Recommendations/Lessons Learned**

*J. Mission training support to national authorities would be enhanced by early identification of national training instructors as the nucleus of future national training capacity, provision of a generic prison staff training manual reflecting applicable international standards, and ready access to all training materials developed in current and previous missions.*

### **5.5 Recruitment and Vetting**

*Recruitment and vetting materials have been developed in Liberia.*

Related to training is the issue of recruitment and vetting. The recruitment and vetting model developed for national police in Liberia was successfully modified for national prison staff. In some environments, the integration of ex-combatants into the prison service may be a particular provision of a peace agreement, (e.g., Sudan). Regardless of whether such integration is the case, a vetting system is appropriate in all post-conflict environments to ensure suitable persons are recruited. The broad participation of the population in protracted conflicts makes it likely that ex-combatants will be amongst those seeking to be recruited into the prison service.

*A strategy which provides for recruit payments (stipends) should be developed.*

Lack of funding for payment of recruits has been a major hindrance to recruitment in Liberia, perpetuating the weaknesses of a system operating with inadequate numbers of national staff. Given that payment for national prison system recruits may arise as an issue in future peacekeeping environments and the provision of training equipment and supplies for use by prison experts has arisen in more than one mission, support would be enhanced if provisions were made in the mission budgets for a training stipend for prison officer trainees along with funding for training equipment and supplies.

*The mission public information section can publicise any recruitment programme.*

Engaging the assistance of the mission public information component in publicizing the recruitment programme, particularly, the targeting of women applicants has proved effective, resulting in increasing the recruitment rate of women to the Liberian prison system being above that of recruitment to other sectors of the criminal justice system. However, the retention of women within the system presents challenges, and support groups are being established within the prison system, comprising national and international personnel to assist in retaining women applicants recruited as national prison officer trainees and/or staff.

## Recommendations/Lessons Learned

K. *The formal national vetting and recruitment programme developed by UNMIL should be regarded as a template when developing host-country specific vetting mechanisms, as should strategies encouraging recruitment and retention of national female staff.*

### 6. Programme Support

#### 6.1 Field Mission Prison Personnel

*Prison experts are recruited through: direct UN contracts, secondment as 'experts on mission and the UNV programme.*

*Use of these three recruitment mechanisms should be continued.*

*Programme consistency and continuity are disrupted when only one expert position is allocated.*

*Tours of duty of seconded staff in UNAMA should be increased to 2 years.*

*Tours of duty of 18 months where there are larger prison components balance the need to provide stability with the need to increase the pool of international staff with peacekeeping experience.*

Field mission prison personnel are recruited using the following mechanisms: direct appointment under UN Staff Rules and Regulations, on secondment from government service with the status of 'experts on mission' and through the UN Volunteer (UNV) programme. In UNMIL and ONUCI, contract positions<sup>13</sup> fulfill leadership roles. Prison experts, seconded from active government service as 'experts on mission', are deployed under the same arrangements and conditions as apply to civilian police.<sup>14</sup> The approval of these seconded positions is dependent on their being specified in the Secretary-General's report which proposes the establishment of the mission. Command and control issues have arisen in missions in which UN police positions have been allocated for the secondment of prisons experts, who then report to the head of the prisons component. These issues have been avoided where the number of seconded prison expert positions, distinct from police, has been specified in the relevant Secretary-General's report.

In UNAMA, the prison expert position is filled by secondment. This mechanism has presented difficulties with respect to continuity and consistency of programme support due to the relatively short tour of duty (twelve months) and the absence of overlap at the time of handover to the incoming seconded officer. National leadership express frustration about this situation, referring to the lengthy time it takes to form effective working relationships and the disruption of work due to the regular legitimate absences of the incumbent.<sup>15</sup> While the 'light footprint' approach is supported, the needs of both the mission and the national authorities would be more effectively met if two positions were regarded as the minimum in any mission. Consideration should be given as to the appropriateness of secondment to missions where there are few positions; or alternatively the extension of secondments in these 'light footprint' missions to two years.

In ONUCI and UNMIL the secondment duration has been established at a maximum of eighteen months, as part of a strategy to increase the number of prison experts gaining experience in peacekeeping operations balancing the duration with the need to limit the disruptiveness of too frequent rotations. Given

<sup>13</sup> Staff recruited on Series 100 or 300 contracts according to United Nations Staff Regulations and Rules.

<sup>14</sup> Compensatory arrangements and conditions for seconded staff mirror those applicable to police personnel seconded from government services of Member States with the status of "experts on mission".

<sup>15</sup> Compensatory Time Off (five days each thirty days); recreation leave; and sick leave.

*Tours of UNV positions provide administrative, budget, engineering and health capacity.*

*A Pre-deployment Resource Package for staff and training framework for use by Member States have been developed.*

that the first rotation has just occurred (November 2005), it is too early to make a judgment about the appropriateness and effectiveness of this strategy. Recently introduced mission security procedure compliance requirements, while increasing safety and security of staff, have reduced flexibility in the deployment of experts given the requirement for convoy travel. This should be factored into staffing tables. UNV positions have been effectively used to create administrative, budget, engineering and health capacity.

Member States, with few exceptions, have yet to develop pre-deployment programmes specifically for prison experts. In each mission, staff spoke of the desirability of such training. DPKO headquarters has developed a Resource Package which is sent to prison experts prior to deployment and a framework for prison experts training has been developed for distribution to the Member States. Given the potential for a more rapid adjustment to the mission after an effective pre-deployment and induction training programmes, DPKO should consider working with the Member States to provide such programmes for prison experts.

### **Recommendations/Lesson Learned**

*L. The use of multiple **recruitment mechanisms for mission staff** provides the widest pool from which to draw prison experts and should be continued. Short term consultancy contracting should also be utilised. The use of secondment mechanisms, however, should either be discontinued in missions with low numbers of prison positions and the positions formalised as civilian contract positions, or the duration of secondments in 'light footprint' missions be extended from twelve months to two years.*

*M. The Secretary-General's Report recommending the establishment of a mission should specify the **number of prison personnel to be seconded** to a mission separately from numbers of police, to eliminate the confusion concerning recruiting and reporting arrangements.*

*N. In any mission, a **minimum of two prison expert posts** is necessary to ensure continuity and consistency of programme support since the incumbent of any post is technically available for approximately nine months per year only given various leave entitlements.*

*O. A generic **pre-deployment training programme and induction programme** should be developed and provided to Member States and missions, for tailoring to the particular needs of the deploying contingent and mission.*

### **6.2 Funding**

*The ability for a national government in a peacekeeping context to provide food, water, sanitation and basic security equipment is often limited.*

Where a prison system has ceased to function or is very weak adequate humane detention facilities must be rapidly established. It is therefore incumbent upon the mission to provide start-up funding to address these issues thereby enabling prison experts to carry out their roles. The single largest concern for mission prison experts in the early stages of missions is the lack of funding to get the job done. Prison experts themselves are provided for, in the same manner as other civilian staff.

*Funding for basic security and humanitarian provisions, and support of co-location of mission and national staff, should be included in the mission start-up budget.*

*QIP funding has been used for prison security and humanitarian projects.*

Given that the failure to provide food, water, basic health care, staff salaries, and basic security items (e.g., locks, keys, prison gates, grilles and perimeter fencing) has human rights and security implications, funding to address these issues should be included in the mission start-up budget. Funding should also be provided to enable co-location of mission prison experts and national staff in prisons and national headquarters. Prison experts have adopted ad hoc approaches to seeking these forms of assistance through a range of organisations including the World Food Programme, the International Committee of the Red Cross, the peacekeeping forces, police and international and national non-governmental organisations. Donor funding cannot be relied on at this early stage of the mission since it is generally slow to materialise yet there is a need for secure prison facilities from the commencement of the mission.

Each new mission has a trust fund and most have funding for Quick Impact Projects (QIPs). The latter has proved beneficial for prison projects, as demonstrated in Liberia and Côte d'Ivoire.<sup>16</sup> There have, however, been differing understandings as to whether QIP funding and the mission start-up budget can be used for prison projects. This issue and lack of consistency in the applications of rules should be addressed in the planning stages of missions, and definitive guidance provided to missions.

## **Recommendation/Lessons Learned**

*P. The absence of **funding for basic security and operational requirements** limits the capacity of the mission personnel to undertake their roles in the initial phase of a mission. Provision should be made in the mission start-up budget for prison support. This may include: basic security equipment (e.g., locks, keys, grilles, flashlights, food, water, basic health care) and payment (stipends) for national prison recruits during their first twelve months of service. At the same time, mission staff should work with the national government to ensure these future recurrent costs can be met from the prison service recurrent budget.*

## **7. Other Issues**

### **7.1 UN System and Donor Engagement**

*Donor involvement is critical for the support of mission prisons support efforts. While the need is recognized by potential donors few have provided voluntary contributions.*

Donor involvement in supporting the prison system, in any post-conflict environment, is essential. Prisons, in post-conflict environments, are almost always unable to provide secure, humane and safe containment - the more so, when the system has completely collapsed and facilities looted. The inadequacy of national resources, including planning and technical knowledge about re-development processes, adds to this need (for donor involvement). Early engagement with potential donors is a key aspect of a mission's transition strategy, and while Member States have shown an increased recognition of the contribution of prisons to the maintenance of peace and security, only a few have made voluntary contributions in the post-conflict peacekeeping context to support the strengthening of prison systems.

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<sup>16</sup> QIPs: provision of water and guard towers, security grilles, fencing and cooking equipment.

*UNDP has provided support to Haiti and Liberia and UNODC to Afghanistan.*

From within the UN system, UNDP has a comprehensive long-term programme in Haiti and has provided some support in Liberia. UNODC has provided significant support to Afghanistan and will undertake an assessment in Liberia in early 2006. Given the strategic importance of long-term donor support to the sustainability of mission stabilisation and support programmes, mission prison experts must regard donor mobilisation as a key aspect of their roles.

*Joint mission and headquarters funding strategies should be further developed.*

Joint mission and headquarters strategies, to mobilise donors, should also be developed and implemented from the earliest stages of a mission and should include development of project proposals for early donor conferences. Training of prison experts concerning donor mobilisation, including the development of project proposals, would strengthen mission capacity to fulfil this role. Early indications are that donors funding police and/or judicial reform might also be amenable to providing support for prisons. Also, tying donor activity to the overall mission mandate can be successful (e.g., UNDP funded a cell block on the basis that the prisoner population would likely increase following the election).

*A consolidated appeal process similar to the approach taken by UNDP should be considered and integrated into an overall strategy developed and co-ordinated with police and judicial system appeals.*

The importance of the donor engagement role being undertaken by prison components, responds in part to the absence of DPKO funding capacity, and more critically responds to the recognition that the strengthening of a prison system cannot be completed within the time frame of a mission. A consolidated appeal process similar to the approach taken by the UNDP should be considered, to ensure that prison support needs are formally presented to donors, integrated into an overall support strategy related to government priorities and, co-ordinated with appeals by the police and the judicial system. The establishment in Afghanistan of an inter-departmental and inter-agency working group, led by the Minister of Justice, and comprising national and international representatives including donors and governmental and non-governmental agencies, provides a co-ordination and planning model for presentation to donors for prison support proposals which may prove relevant in other environments.

## **Recommendations/Lessons Learned**

*Q. The engagement of UN system and external development partners and donors has proved difficult in most missions. Early engagement of development partners should be an element of any prison support programme because strengthening a prison system is unlikely to be completed within the comparatively short lifetime of a peacekeeping mission. Early engagement would assist programming coherency and help provide a seamless transition to long term support and is consistent with an integrated approach to peacekeeping.*

*The prisons generally contain some ex-combatants excluded from the DDR process – most of whom remain unconvicted. This exclusion should be reconsidered.*

## **7.2 Disarmament Demobilisation and Reintegration (DDR) and Prisoners**

It is probable that a number of detainees will be ex-combatants at the time any DDR process commences. As a result of the exclusion of imprisoned ex-combatants from the process, disturbances have occurred in prisons. The DDR programme recognises the need for support for re-integration of ex-combatants in to the community. However, it potentially does the community no service to

exclude from such a programme those who have not been convicted of a crime (the majority of pre-trial detainees in post-conflict environments are released without conviction) and thereby deny rehabilitation support to those who, by virtue of their experience of imprisonment, are arguably in greater need of such assistance or at least in no less need. Full participation and access to the benefits for eligible detainees are both logical and practical given that the maintenance of peace and security is a goal of the DDR process.

### **Recommendation/Lessons Learned**

R. *DPKO should develop within its **Disarmament, Demobilisation and Reintegration (DDR)** policy an approach which promotes support for the inclusion of prisoners, particularly un-convicted persons, in any DDR programme.*

*Detained persons who are legally entitled to vote, should be permitted to do so.*

*Prisons contain people who are representative of that part of society which are most likely to disrupt the peace. They can provide a good barometer of key community issues and mood.*

### **7.3 Elections and Prisoners**

It is not uncommon that national law provides detainees and prisoners the right to vote in national elections. It may be that despite such a provision, decisions are made to exclude detainees and prisoners from the voting process. Such decisions have the potential to create significant unrest in prisons during the period leading up to elections and on the day of the election. The development of a policy position which encourages national authorities to facilitate voting by pre-trial detainees and prisoners where the Constitution or national legislation provides for this should be considered by the UN Electoral Assistance Division with DPKO.

It should also be noted that prisons in peacekeeping environments can be useful indicators and barometers of community mood and key issues, including issues that may jeopardize the peace and community security. The prison population typically reflects the diversity of the community including angry young men that are among those groups most likely to disrupt the peace. Although imprisoned, the majority of prisoners remain connected to the community through contact with family, friends and staff. To date, political sections of missions have yet to capitalise on this reality.

### **Recommendations/Lessons Learned**

S. *DPKO should work with the **UN Electoral Assistance Division** to develop a policy which supports inclusion of prisoners in election processes where they have a legal right to vote.*

*Much is known about the relationship of prisons to peace and security and much has been learned about building of prison systems.*

### **Conclusion**

The inclusion of judicial and prisons components in all recent non-executive peacekeeping missions has given effect to the Brahimi Report recognition of the importance of a functioning criminal justice system to the maintenance of peace and security. The number of positions provided however, have generally been insufficient, and as a result mission capacities to rapidly re-establish and strengthen national prison systems have been undermined. It remains critical that DPKO missions be adequately resourced and the Organisation enabled to further develop its capacity to support the strengthening of national prison systems at a

*DPKO is well placed to continue its role in re-establishing and strengthening prison systems and it has a strategic need to do so.*

similar rate to that of national police services. The absence of congruent development, which is the experience of each of the current non-executive missions, will continue to undermine efforts to strengthen aspects of the national police. Much has been learned about re-establishing governance systems through the experience of supporting prison systems. The Department of Peacekeeping Operations is now well placed to build on that knowledge and continue its early involvement in the strengthening of prison systems. It has a strategic need to do so.

# **Lessons Learned Study on Peacekeeping Operations and Criminal Justice: Best Practices and Guidance to the Field in Corrections**

## **ANNEXES**

### **Annex A**

#### **Aim of the Study**

The aim of this study is to describe and analyze the practices of corrections in peacekeeping operations and thereby enable the development of policy and operational guidance for corrections practitioners in non-executive field missions and in headquarters.

#### **Primary Outputs**

Description and analysis of the corrections models developed in UNAMA and UNMIL;

Description and analysis of key issues and challenges addressed by corrections practitioners;

Strategies adopted including identification and analysis of factors/elements which have influenced the development and implementation of these models; and

Recommendations based on lessons learned. (Section 1.1)

#### **Methodology:**

The study consisted of three phases:

1. Review of mission reports and documentation including Security Council resolutions, Secretary-General's reports, corrections information including field mission weekly reports, "End of Mission" reports, incidental reports and reports of other UN departments and agencies and human rights organizations.
2. Visits to Afghanistan, Liberia and Cote d'Ivoire and brief meetings with personnel who had worked with UN corrections in Sudan, East Timor, Kosovo, Haiti and Burundi. (Annex C).
3. A review of the draft study and feedback from those interviewed and/or those who have worked with and in UN corrections components of peacekeeping missions in the past.

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Best Practice and Guidance to the Field in Corrections**

**Annex B**

**Acronyms and Abbreviations**

Acronyms and Abbreviations	Definition
CAU	Corrections Advisory Unit (United Nations)
DDR	Disarmament, Demobilization, Reintegration
DPKO	Department of Peacekeeping Operations
DSRSG	Deputy Special Representative of the Secretary-General
ICRC	International Committee of the Red Cross
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUC	United Nations Mission in the Democratic Republic of Congo
NGO	Non-governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
ONUB	United Nations Operation in Burundi
ONUCI	United Nations Operation in Cote d'Ivoire
SRSG	Special Representative of the Secretary-General
UN	United Nations
UN ECHA	UN Executive Committee on Humanitarian Affairs
UNAMA	United Nations Assistance Mission in Afghanistan
UNCHR	United Nations High Commissioner for Refugees
(dpko redundant)	
UNMIL	United Nations Mission in Liberia
UNODC	United Nations Office of Drugs and Crime

**Lessons Learned Study on Peacekeeping Operations and Criminal Justice:  
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**Annex C**

**Interviews**

<b>PERSON</b>	<b>POSITION/FUNCTION</b>
<b>Afghanistan</b>	
Gordon Holloway	UNAMA Corrections Advisor
General Bakhshi	Director General – Central Prison Department
General Shameer	Finance - Central Prison Department
General Abdullah	Administration – Central Prison Department
Several national staff members and foreign inmates	Pul-e-Charkhi Prison
Gabriela Iribarne	UNAMA Human Rights Officer
Michel Stoischwol	UNAMA Legal Officer
Mohammad Ferozi	National Legal Officer
Zia Langari	Director, Afghan Independent Human Rights Commission
Ahmed Mirdad	Investigations and Monitoring Officer, Afghan Independent Human Rights Commission
Several national staff	Kabul Male Detention Center
Col. Samuel Rob	U.S. Military Staff Judge Advocate
Major (name not known)	Engineer, tasked to work on plans to build a prison in Afghanistan
Meryem Aslan	Programme Director, UNIFEM
Carla Ciavarella	Chief Technical Advisor on Corrections, UNODC
Ameerah Haq	UNAMA DSRSG-RRR Section
Sipho Malunga	Programme Manager Justice – UNDP
Sarwar Danish	Minister of Justice
General Bakhshi and 14 managers	Central Prisons Department
Ibrahim Sesay	Child Protection Officer, UNICEF
M. Halim	Head of the Legislative Department, Ministry of Justice
Doris Buddenberg	UNODC
Director and several staff	Logar Provincial Prison
Vincenzo Lattanzi	Italian Justice Project
Alberto Pezzani	Italian Justice Project
G. Fi Gennaro	Senior Legal Reform Specialist for UNODC
Afalzal	National working with UNODC Corrections Technical Advisor
David Mauro	UNAMA Senior Police Advisor
<b>Sudan (Interview took place in Ghana)</b>	
Richard Kuuire	Corrections Advisor

<b>Liberia</b>	
Marjo Callaghan	Head, Corrections Advisory Unit – UNMIL
Glen Sylvester	Advisor, Mentor – UNMIL
Stephen Johnston	Advisor, Mentor – UNMIL
David Mather	Training and Development Manager – UNMIL
Aggrey Nyapola	Planner – UNMIL
Carlos Castro	Budget Advisor – UNMIL
Nerissa Guiarng	Human Rights Manager Assistant – UNMIL
Hellen Okaalo	Training and Development Officer – UNMIL
Sylvester Rabbles	Training and Development Officer – UNMIL
Pauline Ngara	Training and Development Officer – UNMIL
Titus Karani	Training and Development Officer – UNMIL
Lucy Mungai	Advisor, Mentor – UNMIL
Mary Okumu	Advisor, Mentor – UNMIL
Taiudeen Aremu	Training and Development Officer – UNMIL
Uche Owete	Planner – UNMIL
Mark Ogbosu	Training and Development Officer – UNMIL
Ysuf Abubakr	Advisor and Mentor – UNMIL
Alexander Kpeli	Training and Development Officer – UNMIL
Minnah Yankey	Training and Development Officer - UNMIL
Solomon Aina	Advisor, Mentor – UNMIL
Mike Ward	Director, Quick Impact Projects – UNMIL
Surya Dhungel	Rule of Law Field Supervisor - UNMIL
Officer and Trainee	Central Prison
Inmates (6)	Central Prison
Justice Frances Korpor	Justice, Supreme Court
Dorota Gierycz	Director, Human Rights and Protection Unit – UNMIL
Mohamed Ahmed Alhassan	Police Commissioner – UNMIL
Police Instructor from Poland	Instructor at Training Academy - UNMIL
Trainees (4)	Training Academy
Votay	Deputy Director, Central Prison
Michael	Street Kid and former prisoner in Central Prison
Saah Bollie	Assistant Minister of Justice for Rehabilitation and Corrections
Anna Korula	Human Rights and Protection Unit - UNMIL
Jean Jacques	Human Rights and Protection Unit - UNMIL
Punsl Sadiki	Human Rights and Protection Unit- UNMIL
Name unknown (from Uganda)	Human Rights and Protection Unit - UNMIL
Name unknown – 2 officers	CivPol Officers in Buchanan
Name unknown	Superintendent, Buchanan Provincial Prison
Trainee (2)	Buchanan Provincial Prison
Construction, Maintenance volunteer	Buchanan Provincial Prison
Mulbah Sumo	Superintendent, Gbarmga Provincial Prison
Trainee	Gbarmga Provincial Prison
Steinar Bjornsson	DSRSG, Operations – UNAMA
Rev. Francis S. Kollie	Prison Fellowship International

Nashwa Mostaguir	ICRC
<b>Cote d'Ivoire</b>	
John Rose	Director, Corrections Advisory Unit – ONUCI
Gamaliel Ndaruzaniye	Political Affairs Officer – ONUCI
Mr. Wouattro	Police Chief, Bouake
Superintendent	Bouake Prison
Joel Mermet	Human Rights Officer – ONUCI
Kokjo Agode	Human Rights Officer – ONUCI
Waqtaro	Director, Central Prison in Abidjan
Francois Simard	Head, Rule of Law – ONUCI
<b>Brindisi, Italy (Peer Review)</b>	
Andrew Barclay	International Centre for Prison Studies
Claudia Baroni	UNODC
Annette Corbaz	ICRC
Lynn Cuddington	International Corrections and Prisons Association
Stuart Davie	New Zealand Prison Officer was in East Timor
Michel Desauriers	MINUSTAH
Gunhild Fridh	Swedish Prison Officer was in Kosovo
Franck Gorchs-Chacon	ONUB
Isabel Hight	DPKO Corrections Policy Officer and former Director of the Prison Service in East Timor
Elena Ippoliti	UNOG-OHCHR
Gen. B.t. SFP Andrea Messina	Italian Prison Administration
Lisa Quirion	Canadian Prison Officer was in Burundi
Fernanda Tavares	Gender Officer – ONUB

## Terms of Reference

### Consultant for project: "Peacekeeping Operations and Criminal Justice: Best Practice and Guidance to the Field in Corrections"

#### **Background**

Increasingly, UN peacekeeping mandates include a component to help re-build elements of the impacted nation's criminal justice system. Police have received the most attention while corrections and courts are more recent areas of interest. The January 2002 Report of the United Nations Panel on Peace Operations, commonly referred to as the "Brahimi Report," made it clear that for the United Nations to perform as it should, peacekeeping missions would have to integrate a range of civilian expertise needed to consolidate peace. A humane, professional and rehabilitative corrections structure is the lynch-pin of a functioning criminal justice system. Current world events, including activities in Iraq, and the Secretary General's Report on the Rule of Law and Transitional Justice in Conflict and Post Conflict Societies indicate the importance of prison development and that the rebuilding of criminal justice systems is likely to become more prominent in United Nations mandates.

Formal United Nations peacekeeping activities targeting corrections have been authorized by the Security Council in East Timor, Kosovo, Afghanistan, Liberia, Haiti, Cote d'Ivoire and Burundi. Prior to that, peacekeeping operations provided technical assistance to corrections in Somalia and Bosnia & Herzegovina. Though experience exists and lessons have been learned from previous and current United Nations peacebuilding activities related to correctional systems, they have generally not been documented in a form that can be used to help inform future policy or to support the development of training and guidance manuals. Guidance to peacekeeping personnel in the area of corrections does not currently exist.<sup>17</sup>

The Criminal Law and Judicial Advisory Unit (CLJAU) in the Peacekeeping Best Practices Unit of DPKO has recognized that the experience of peacekeeping staff engaged in corrections activities in non-executive missions is evolving. In this light, DPKO needs to assess the challenges, strategies adopted, best practices and lessons learned from this field experience. An in-depth assessment of practice will allow for the development and documentation of field appropriate guidance for mission personnel to enable them to more effectively undertake their roles and fulfill mission mandates related to corrections. The development of guidance material will provide the baseline for formulating a specific training programme for staff involved in the area of corrections.

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<sup>17</sup> Professional seconded and non-seconded personnel have been mandated to undertake support to corrections related aspects of the national criminal justice system as a part of rule of law components of peacekeeping operations.

With these needs in mind, the project entitled, "Peacekeeping Operations and Criminal Justice: Best Practice and Guidance to the Field in Corrections" has been funded by the United Kingdom. The purpose of the project is two-fold; to complete, based on mission assessments, primarily focused on UNAMA and UNMIL, a lesson learned and best practices report, and to develop a Guidance Manual for DPKO corrections officers deployed to the field. The project is expected to be completed in late September 2005.

## **Tasks and Methodology**

Pursuant to the project proposal, the Peacekeeping Best Practices Unit of the Department of Peacekeeping Operations is seeking to hire a consultant for approximately 30 weeks (147 days) over the period of 8 months under the direction and guidance of the Corrections Officer of the Criminal Law and Judicial Advisory Unit.

The consultant will be required to:

1. *Undertake preparatory work:* The consultant will meet with DPKO personnel in New York to define project criteria,<sup>18</sup> obtain acceptance of the methods of operation, acquire copies of all relevant reports and interview appropriate staff as to their experiences with corrections in peacekeeping operations. The consultant will read and review the documentation and any additional material acquired through background research. The consultant will also develop an outline of the assessment visits plan which will be approved by DPKO prior to undertaking on site visits.
2. *Conduct assessment missions:* The consultant, with DPKO personnel as appropriate, will conduct field evaluations in Afghanistan and Liberia. Visits will be made to current DPKO corrections personnel who are in the start-up phase of the DPKO mission (such as Burundi and/or Cote d'Ivoire) and consultations will be undertaken with correction personnel concerning missions with a longer history of corrections support (such as Haiti). In addition, contact will be made with former personnel or consultants who have worked of corrections programs in United Nations peacekeeping operations. A final draft report will be submitted at the end of the field visits and consultations.
3. *Report development and finalization:* The consultant and designated DPKO personnel will meet at DPKO Headquarters in New York to review the initial report. Edited drafts of the relevant documents will then be sent to personnel in the field, UNDP, UNODC and OHCHR personnel who provided input or who might possess experience or knowledge that will be helpful in finalizing the report. Based on input, the report will be finalized.

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<sup>18</sup> The project outputs are expected to cover the following issues, among others, in the area of corrections support activities: policy, assessment and planning; advising, mentoring, staffing, funding and donor relations, training, working collaboratively with the host country government, other United Nations agencies, and civil society (national and international).

4. *Determine of key issues and Manual content:* The consultant will undertake any further resource collection, research and scoping of key issues identified for the Guidance Manual based on the assessment missions. The outline of the content of the Manual will be decided jointly with DPKO and based on input from UN partners and outside experts which will be sought through consultations. Once an outline is determined, the consultant will develop a draft of the Guidance Manual for consideration and review in the workshop.

5. *Participate in a field review Workshop:* The consultant will be responsible for assisting in the preparation and active participation in a 3 day technical review workshop (approx. 30 participants) to be convened to give field staff and correctional experts an opportunity to review the draft Manual and ensure that it will meet field and future training needs. The workshop will bring together a number of current and former personnel or consultants who have worked on corrections programs in peacekeeping operations and UN partners, national government corrections personnel from key countries with peacekeeping operations (e.g., Afghanistan and Liberia), experts and organizations in the field of international corrections and human rights (e.g. Penal Reform International, Amnesty International, ICRC) and government representatives from countries engaged in the field (e.g., Canada, Finland, Kenya, Nigeria, Ghana, UK).

6. *Finalize the Guidance Manual:* The consultant will be responsible for finalizing the Guidance Manual based on the comments and recommendations resulting from the workshop and other expert consultations. The Guidance Manual should be written in an easy to understand format that can form the basis for the development of a training module.

## **Outputs**

The consultant will be responsible for two primary outputs:

- **Corrections Lessons Learned and Best Practices Report:** (15 – 20 pages) that will include an overview of DPKO work in corrections support, key issues and challenges, strategies adopted, best practices and lessons learned based on assessment visits and peacekeeping operations with corrections activities. Annexes dealing with specific issues and chronologies of corrections support activities within each mission will be included. The report will catalogue this information in a format that can be used to inform the future development of the Corrections Guidance Manual.
- **Corrections Guidance Manual:** (40 - 50 text pages/ 60-70 page publication) that will provide an easy to use how-to guide to fulfilling the key roles of corrections staff in peacekeeping missions and implementing effective strategies for support to national corrections institutions. The manual will be developed to respond to the needs of field staff and cover the key issues identified through the project, including the conclusions of the lessons learned report, desk-top research and a field review workshop. It will be drafted and presented in a format that can form the basis for a specialized training for corrections field staff.