The Role of the Supreme Courts in Preventing and Countering Terrorism in the Sahel

BACKGROUND
A well-functioning, independent judiciary is an essential component in bringing individuals charged with terrorism-related offenses to justice, in compliance with human rights and the rule of law. Boko Haram, al Qaeda in the Islamic Maghreb, and other violent extremist organizations present a continuing threat to the stability of the Sahel region. Although many cases have yet to reach the Supreme Courts in the region, justices seated at the helm of the judiciary will play a central role in shaping the criminal justice response to terrorism in their countries. As the final arbiters in the criminal justice system, justices are charged with upholding and interpreting the highest laws of the country, including international sources of law, and are in a position to strengthen regional and international judicial cooperation on terrorism matters. To meet this obligation, justices must keep abreast of the evolving threat and be supported in their increasingly global engagement.

ABOUT THIS PROJECT
The Global Center on Cooperative Security and the Association of Francophone Supreme Courts (AHJUCAF), together with the UN Office on Drugs and Crime, the UN Counter-Terrorism Committee Executive Directorate, and the International Organization of La Francophonie, are undertaking a project funded by the governments of Canada and Japan aimed at creating a sustainable, nonpolitical forum for Supreme Court justices to foster judicial dialogue on terrorism matters in the Sahel.

The program brings together justices of the highest courts in the Sahel, as well as legal experts from international and regional organizations, representatives of judicial networks and academies, law enforcement, the gendarmerie and other counterterrorism practitioners, to discuss and exchange questions of law and good practices for the handling of terrorism cases. A steering committee comprised of justices nominated by the chief justices of the highest courts in the target countries—Burkina Faso, Chad, Mali, Mauritania, Niger, and Senegal—
serve as liaisons on terrorism matters and focal points for engagement in the network across the region.

Three national-level study visits have been held to explore the substantive and procedural issues faced by magistrates handling terrorism-related offenses in the selected jurisdiction, hosted by the chief justices of the respective supreme courts. In Bamako, Mali (24-26 October 2015), the program centered on the topic of minor combatants; in Niamey, Niger (22-24 May 2017) on the international legal framework on terrorism; and in Nouakchott, Mauritania (10-12 July 2017) on the recent jurisprudence of the Supreme Court on matters relating to terrorism. Guiding principles reflecting on the legal challenges in the region will be developed during a high-level roundtable meeting to be held in Dakar, Senegal in March 2018.

This process builds upon an earlier program for supreme court justices in the Middle East and North Africa region that culminated in a UN Open Briefing held in March 2016. It expands on AHJUCAF’s programmatic work with justices in the Sahel region.

About AHJUCAF
Established in 2001, AHJUCAF comprises fifty francophone supreme courts from around the world, primarily located in African countries. The network aims to strengthen cooperation among supreme courts in francophone countries and to facilitate the exchange of ideas and experiences among members of the judiciary. AHJUCAF’s extended network of supreme court presidents include those of Burkina Faso, Chad, Mali, Mauritania, Niger, and Senegal.

About the Global Center on Cooperative Security
The Global Center works with governments, international organizations, and civil society to develop and implement comprehensive and sustainable responses to complex international security challenges through collaborative policy research, context-sensitive programming, and capacity development. In collaboration with a global network of expert practitioners and partner organizations, the Global Center fosters stronger multilateral partnerships and convenes key stakeholders to support integrated and inclusive security policies across national, regional, and global levels.

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