

EVAP Ep. 26_ Samuel Emonet

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SPEAKERS

Jaclyn Streitfeld-Hall, Samuel Emonet

Jaclyn Streitfeld-Hall 00:12

Welcome to Expert Voices on Atrocity Prevention by the Global Centre for the Responsibility to Protect. I'm Jaclyn Streitfeld-Hall, Research Director at the Global Centre. This podcast features one-on-one conversations with practitioners from the fields of human rights, conflict prevention and atrocity prevention. These conversations will give us a glimpse of the personal and professional side of how practitioners approach human rights protection and atrocity prevention, allowing us to explore challenges, identify best practices, and share lessons learned on how we can protect populations more effectively. Today I'm joined by Samuel Emonet, Executive Director of Justice Rapid Response. Thank you for joining us today, Samuel.

Samuel Emonet 00:55

Thank you for having me, Jaclyn.

Jaclyn Streitfeld-Hall 00:57

You know, one of the reasons we invited you to join us today is to learn more about the really unique and powerful work that you do for survivors and victims through Justice Rapid Response. For those in our audience who may not be familiar with your organization, can you give a little background on the history and purpose of Justice Rapid Response?

Samuel Emonet 01:17

Yeah, of course, with pleasure. I mean, we work every day with a team with a lot of passion. So I'll try to give you a sense of what we're doing and who we are. So Justice Rapid Response is an intergovernmental initiative. It's been created quite a while ago, 12 years ago. And the idea was to provide the international community with the capacity to deploy justice and human

rights experts and professionals to support international investigation into international crimes and grave human rights violations. The idea was to provide a capacity upon short notice, so that this investigation, more professional, more efficient, and down the line would provide better justice outcome. So really, every day, we work with the idea that victims and survivors of international crimes and grave human rights violation must have access to justice in a way that contributes somehow to peace. And so our mission is to partner with international, national and civil society organizations, by providing them with this specialized expertise, to assist them in the investigation of those crimes and violations, and promote the access to justice for victims and survivors. That's what we are doing every day. And just to give you one example. So we have been requested, a few years ago, by the prosecutor in the Gambia, who was in charge of investigating some of the violations that took place there during the Yahya Jammeh era. And he had an investigation whereby they had found a number of human remains, there had difficulties to identify those human remains and define the cause of death. So this person approached us, approached Justice Rapid Response telling us, I would like to have expert reports to identify these remains and to define the cause of death, because that's a critical part of the investigation that have to conduct. So what we did is that we looked into the roster that we have built the roster of experts, that is 700 experts strong today. And we found a number of profiles that could match the request of that prosecutor. And we deployed a group, a small team of forensic experts who could work with the prosecutor locally, define the cause of death, define the identity of the victims. And that was a critical piece of evidence that was then brought to the trial, where the experts of Justice Rapid Response could also testify as expert witnesses. And that's one example where we support national justice authorities. We have also requests coming from international justice and human rights bodies, and also from civil society organization. And I hope we'll have the occasion later on to speak about the critical role that they are playing increasingly in that field of justice and accountability for those crimes.

J Jaclyn Streitfeld-Hall 04:16

Excellent. I think that roster of experts on the speed with which you can bring people together to assess the situation makes Justice Rapid Response really unique in this field.

S Samuel Emonet 04:28

I mean there is one thing, maybe I could add if you wish, which is really a characteristic or a big value that we have in the organization. We do not think that the idea of dumping or lounging any expert in a situation would actually help that situation very much. So when we are creating the roster of experts, we are taking great care in making sure that roster is gender balanced. That the roster also a diversity in terms of the geographical origin of the different experts. So that we can really pick with the partners that is requesting the expertise, the profile, the cultural background, and language that's going to make them work well together. And there is also a really intense work that we do with the expert about sending them and putting them in a mindset of working in a mentoring format, or a peer-to-peer format with their counterpart in Colombia, in the Gambia, in Guatemala, where they would work together, combining their expertise, coming from different sources and background and experience to make case-based work advance for justice.

J Jaclyn Streitfeld-Hall 05:40

That's incredible. And I know you personally have a background as an international law expert and experience working at the International Committee of the Red Cross. How has your career and experience shaped your views on the importance of international human rights and humanitarian law?

S

Samuel Emonet 05:59

I think you're right, I mean, I started as a lawyer in Switzerland, but I cut that career short really quickly, because I really wanted to work abroad and in the humanitarian sector. So between 2000 and 2015 I've been working with the International Committee of the Red Cross in the field in many different conflict situations starting in Afghanistan, finishing in Mali. This was my career. And the job that I was doing there for the ICRC or the International Committee of the Red Cross was to document, with my teams, violation of international humanitarian law, with the idea that this documentation would serve into the confidential dialogue we'd had with all the parties to the conflict to try to stop violations against civilian population, against detainees etc. So I was confronted very early on and very directly with those violations. And I was working in the humanitarian sector at the time. So justice was not my responsibility or the work that I was doing. But by talking to the victims and survivors that I was meeting during those missions in different countries, their thirst for justice, and for accountability was extremely apparent to me. So when I started to work with Justice Rapid Response, it was something very natural that, for me, this dimension of the needs of victims and survivors is absolutely critical and crucial. And there are two situations that I keep with me everyday almost from that career that I can maybe explain here. I started my work in Afghanistan in 2000, when the Taliban were still in charge of the country. So my job at the time was to negotiate with Taliban commanders access to their detention facilities so that the ICRC could go and visit prisoners and detainees under the Taliban. And a few months later, the 9/11 happened, the US led coalition invaded Afghanistan and the same commanders I was negotiating with, I was actually visiting in detention because they had been made prisoners by the Northern Alliance, which was one of the parties to the conflict. And they were actually in really harsh conditions of detention. So my job was to protect these prisoners from violations. And from that experience, the notion that there is nothing black and white in an armed conflict, and that from one day to the next we can become either a victim or a perpetrator, made me realize that the job of justice and international justice was really challenging, because it has to do somehow a determination about who are the victims and who are the perpetrators. And so the notion that this justice must be impartial, like looking at all the violations, professional in the way they collect evidence, and really victim centric is like an evidence for me, like something that is obvious. And maybe the second lesson that I learned or something that is really deep within me when I think about those situations was this woman I was talking to in Georgia in 2005. So she was, she's probably still a mother of a soldier who had disappeared in the Abkhaz-Georgian war in 1992. And she had no news of her son. So her son went to fight, he disappeared. There was no indication about what happened to him. My job at the ICRC at the time was to try to account for these missing persons, put in place mechanisms to sort of bring some answers to those families. And that mother was telling me, look, I have kept the room of my son exactly the way it was, unoccupied in my house, waiting for him to come back. And this was 13 years later. And then, of course, half the children had grown up and left the house. So her family was putting pressure on her to leave that house, which was too big and too expensive. But she refused to do so because she said, If my son's returning, you won't find me because I won't be at the same address anymore. So it was really a heartbreaking story because the chances of finding that son again were really minimal. so many years later. And what I learned from this is that

even when the hostilities are over, even when the fighting starts, or even when the media attention over a situation sort of disappear, the serving of the victims and the survivors continues year after year. And even sometimes the justice is slow to happen. It's absolutely critical that it happens. And the work, all the work that we do, including today at Justice Rapid Response is about them, is about the victims and the survivors bring them some answers, some truths, some reparations. So I keep carrying that situation and that woman with me everywhere, when I think about the victim centric approach, and why are we actually doing that work.

J

Jaclyn Streitfeld-Hall 10:44

That's really powerful memories to help motivate what you do every day. I'm wondering, in practice, how does the work of Justice Rapid Response support the pursuit of justice for survivors and victims around the world? And maybe a good place to start on that is to ask how do you choose to mobilize and engage on a given country situation?

S

Samuel Emonet 11:11

We are very much responding to requests, requests are coming to us, we need that expertise. The roster is equipped with all the kinds of professions that you need from witness protection experts to psychosocial support experts, investigators, etc. And so when we receive a request, we would systematically look at it with the team based on four criteria that we believe are protecting us from doing politicized or being instrumentalized. And I will just run you through them and then give you an example of when we decided not to support a request, right. So the first criteria is: Is the request in conformity with international law. So is there anything within what the expert is going to do that might contradict international law, including for instance, if the experts take part in an investigation that might lead to an unfair trial that might lead to a death sentence. That's something that we would absolutely stay away from. The other thing is the request must not be political in nature. We know by definition that anything on the international scene can have a political flavor, but we try to stay away from requests that will try to blame a political party or look at a situation from only one perspective, and not investigate all the variations in a given situation. The third element is the security of the expert and the witness and the victims that will be interacting with the experts or will be part of the investigation. And finally, the fourth criteria is more about our mandate that there is a need for research, capacity and expertise to advance justice for victims and survivors. So let me give you one example where we decided not to go ahead, I won't name the country in particular for confidentiality reasons. But we have been requested to provide investigative expertise to mentor a national human rights mechanism in a Middle Eastern country. And when we started the assessment, we realized that this mechanism had indeed legal background for the mandate, and they had the mandate to do their work. But they were composed only by one party, one ethnic group represented in the country, they didn't have access to a big part of the country, which was not under there, they had no access, essentially. And then there was a lot of questions about if they conduct interviews with victims, where are these interviews and information going to go, who is going to be owning them, who is going to be making sure that the identity of the victims and the witness is going to stay safe. And so that's one example where we decided not to go ahead and not to provide expertise. We do it in a way that is normally constructive, saying, if you meet those criterias, we'll be happy to help you in the future. And that's how we present it. There is only one element that I can add, and that we

have developed over time. In some countries where we have worked quite extensively with the prosecutor civil society, we try to combine the expertise by deploying the expertise to several actors simultaneously, who can help each other. Let me give you an example with Colombia. In Colombia, we have been helping the special jurisdiction for peace in developing their approach to investigate sexual and gender-based violence violations especially, and also against sexual minorities. And at the same time, we were providing expertise to a civil society organization, which was supporting male and boys survivors of sexual violence to register with the special jurisdictions for peace so that they can fully take part in the proceedings there. So you see where this support is sort of meeting in one point where we advance the justice process from two different sides. And yes, that's how we are doing our best to support a very complex process.

J Jaclyn Streitfeld-Hall 15:12

I know that a lot of it is based on invitation, but I'm curious about the timing that you use. You know, there's this interesting tension in international justice. And I think you've touched on part of it already with the example you provided where we're often frustrated on behalf of survivors, the justice takes too long. But there's also simultaneously a lot of criticism from member states towards civil society, saying that we're engaging on justice too early ahead of a negotiated peace, ahead of a ceasefire. So when does the justice work begin for you?

S Samuel Emonet 15:50

So in my opinion, it should start as early as possible and my answer will not surprise you. And this is linked to a number of factors, including about the preservation of evidence, the fact that it's important to engage early on, and I would have maybe two comments or two reflections on this. The first one is what I mentioned before, the role of civil society organizations has shifted or changed over time. And increasingly, we see civil society organization engaging not only for blaming and shaming, or advocacy work, but also to actually collect evidence, preserve them, and with the intention to bring them in front of a justice process or a human rights mechanism for that matter. And so what is interesting is that this role is increasingly acknowledged by institutions, including by the ICC, for instance, who has just released, some guidance for civil society organizations wants to engage in documenting information. And very often these organizations are the first one on the ground. And I think it's really important to be able to provide support to them so that they start that documentation work with the right questions in mind. And so that's what we've been doing. Not enough, I'm sure, but we are doing and I can give you the example of Yazda. This is an organization that has been working early on, when the genocide against the Yazidi and other minorities in Iraq happened. So they started documenting, and writing down stories that survivors were telling them. And then the fairly early approached Justice Rapid Response, because they felt the need to structure the documentation works and they needed to develop an understanding of where that documentation work could be useful. So over a number of years, we have been helping them structure that with a number of different experts, like people specialize in interviewing, people specialize in managing databases. And then the result of that work and the work of others, not exclusivity us, has been some of the trials that you have seen in Germany in the past few years. Whereby Yazda was able to provide some critical piece of information and evidence to those prosecutors that have led to some justice for the Yazidi survivors. So you see with that example, it's really important to take it early on, it does raise a lot of questions, like to which

standard you document? How do you avoid multiple interviews by the same organizations? How do you work with donors so that they don't push organization into doing siloed work only about sexual violence for example? How do you make sure that what is collected is admissible? And you will know as I do that, for instance, when a civil society organization is collecting information, you don't necessarily know where it's going to end. So there is an old question about informed consent of the persons they have interviewed. So there is a whole range of questions there that are really important. And if we can help with expertise, to make it more efficient, more professional ask the right question. I think it's a really valuable contribution.

J Jaclyn Streitfeld-Hall 19:12

That's a good point. And I know that that has been a concern with countries like Ukraine, for example, where there was a ton of international enthusiasm at the start of the conflict. And I think a lot of that sort of went towards wanting to help people on the ground document. But there were so many organizations rushing to the area to provide guidance, and there have been big concerns about repeat documentation or re-victimization of populations and traumatization related to interviewing them over and over again,

S Samuel Emonet 19:53

Just one point about the question of coordination, and I think that's one big topic in our sector of work that we still need to somehow figure out. We saw in Ukraine that there was efforts to coordinate among organizations they have created two coalition's tried to work on a similar databases, develop some relationship with a prosecutor to understand how they could use information. But this is a very complex issue. And because there is not one organization would claim to coordinate all the others, because every situation is different. In Ukraine, you have the national prosecutor that is actually by law in charge of those investigations. Whereas in other countries, you might have no functioning judiciary, so you could potentially be playing that role of coordination. So I think there is a need in our sector to have a deeper reflection of this question of coordination in really crowded spaces like Ukraine, like we have seen in Cox's Bazaar and other situation. And there is a lot of work to be done in that field. Our contribution for now on this is really to make sure that when we deployed expertise, we would coordinate with the requesting entity and ask questions about how do you use information? How do you share it? But again, there's a lot of work to be done around that topic.

J Jaclyn Streitfeld-Hall 21:07

And I imagine, you mentioned countries where there's no judiciary, I imagine it's also complicated in countries where the space for civil society to even operate is shrinking significantly, and both their ability to collect evidence, as well as their ability to provide for their own safety is becoming more and more limited.

S Samuel Emonet 21:29

No, that's a very important point. Because the safety and security of these documentaries, collectors, defenders, is just critical as well. So what is interesting is, I hope we'll be discussing about this but the question of the digital means of investigation that remove a bit of pressure

about this, but the question of the digital means of investigation that remove a bit of pressure on actually interviewing, and allow for some remote type of evidence collection are interesting complement to some of the work that's been done on the ground. So that's maybe, in that context, an interesting discussion to have.

J Jaclyn Streitfeld-Hall 22:08

I think another important element of your work I'd like to discuss is how do you implement a victim-centered approach? I know it's part of the work with people on the ground, but there's much more to it.

S Samuel Emonet 22:24

I think that's really central to our work, it's a very big topic. So I can try to summarize it in four points that for us are the most important ones. I mentioned the engagement criteria that we have. So when we received a request, we check first, whether there is a detrimental effect or a risk for victims and survivors. So that's one way for us to at least have that sort of bottom line where we say we don't engage if there is a risk for survivors that we cannot mitigate. The second aspect is the recruitment of experts. So we are taking great care in the vetting process, the background checks to make sure that experts that we are certifying or onboarding onto our roster, are aware and up to date, and able to apply the guidance, the guidelines and the standard that are pertaining to protecting victims and making sure that they are safe. And this is just the minimum standard I just described to you, because there is more to it. So the two other elements that we are implementing is. The first one is we have tried with our partners, including UN Women to push systematically, a gender lens through those investigation that we're supporting. And so you know that some categories of persons and some type of violations are typically underreported or neglected, among them, and less and less so because this has become a big topic, sexual and gender-based violence. But there is another one that we are really pushing now, which is violations against children. Because there was a ton of questions about investigating violations against them. Do you interview children? Do you bring them in front of a court of law? Is it re-traumatizing? Do you have to ask for the permission of parents? So it's complicated. And the result of that is that 30% of the population, meaning the children, are often neglected when it comes to investigating international crimes and grave human rights violations. So what we do is that systematically, we build the roster with experts on those topics, and we deploy them to this investigative mechanism so that from the very beginning of the investigation, those aspects actually factored in the investigation planning be it human rights or be it criminal justice. And finally, the last point, I would say is really the adoption by Justice Rapid Response have a broad understanding of what justice means, because especially when it comes to mass atrocity crimes, you will have thousands of victims, one or two perpetrators held accountable a few years down the line and you need something else to bring a feeling and an impression of justice to the victims and the survivors. So you need truths, you need reparation, you need restorative justice. All these tools are super important, and we are engaging in all of them. The good example is, recently, we have deployed a restorative justice expert to the special jurisdiction for peace in Colombia, to help organize the meetings between perpetrators and victims and survivors in a way that would be non-traumatizing, that would help push forward the restorative dimension of that justice approach. And this is new, they are they are creating something completely new. And we're really happy to be contributing to that with some expertise from the roster.

J

Jaclyn Streitfeld-Hall 25:45

This sort of broad understanding of justice is something that's often missed by policymakers. You know, this idea of transitional justice and working with communities to think about what the needs of victims are beyond just punishment and imprisonment of perpetrators. We know and think of as an ideal dream is helpful to just restoring a society as a whole. And yet, not enough effort is put into that in most conflict situations.

S

Samuel Emonet 26:26

So it's interesting to see that topic is really emerging now in all the discussions in our sector of work. Why is justice made? Who is it made for or with? And I think this is a really important shift, another one that we observe, and a very important and a very valuable one.

J

Jaclyn Streitfeld-Hall 26:48

In terms of other shifts that you've seen in recent years. I'm curious about in what ways is Justice Rapid Responses able to leverage new and emerging technologies as a tool for investigation and documentation?

S

Samuel Emonet 27:03

Yeah, I think that's an enormous shift, I think we are still wrapping our head around the potential, the risks. And so for us, maybe three or four years ago, we realized that this is something that's coming and would stay. Any investigation into international crimes and human rights violation will actually imply some level of technology and digital investigative means. And so we have started slowly to onboard these kinds of expertise on the roster as well. And we saw at the same time, the number of requests for this type of expertise increasing. So I give you a few example, like we increasingly have requests for open source investigators, people who can really understand the Berkeley protocol, how does that work, how you authenticate that information, a lot of requests for database, setting up a database that will allow you to manage your information, potentially analyze it as well, I gave you the example of Yazda that was one example where we could support that. But also like we got requests, and we deployed in the Maldives persons able to manage data points from GSM antennas, or facial comparison persons using software to try to identify persons on video footages. So we know that this is something that's going to grow in the future. The challenge with that is: First, where do you find those experts? Second, how do you make sure that using that kind of technology is also going to be focusing on the victim centric approach? How everything that we learned, I mean, the Murad code, the standards, the victim-centric approach, how do you translate that into this type of investigation or investigative mean? And I think that's the challenge. There is very little policy actually around those questions right, there is the Berkeley protocol which had been really an extraordinary piece of work only on open source investigations. So it's only one area, but there is much more to develop around that question. So our ambition at Justice Rapid Response is to first increase the number of experts that we have on the roster in this field, train them about all the standards that we discussed before, victim-centric approach, victim protection, etc. But I think we need to do more than that. Because this will not be enough. I think we need to identify the players out there who have developed tools, and databases and mechanism and that could

contribute and help use digital investigation means into investigation, and try to build some sort of community of practice where we can not only pull them into investigation where they are needed, but also reflect on all these policy dimensions. And I cannot hide that there is a fairly big ambition on our side to be able to create and build that community of practice with all the actors who have actually contributed so far to this. It's really important.

J Jaclyn Streitfeld-Hall 30:03

Yeah, it's important and it's it's hard to keep up with, I feel everything is changing so rapidly. I remember earlier in my career, at the start of the conflict in Syria was roughly when smartphones were proliferating at a rapid rate, and we were getting video footage taken by people on the streets of what was happening there. And no one really knew how to corroborate whether the videos were true, what videos to keep, how to document them, how to store them, and now years later, it seems everyone has a smartphone. And we have satellite imagery, we have all sorts of new tools, and it's just constantly developing. And some of it can be very useful and powerful. But also, with AI and other things, some of it can also be distorted, in very problematic ways.

S Samuel Emonet 30:58

And Jaclyn, you just mentioned, I think there's also today, the same questions that you just mentioned, are still there, like, where do you put that? Where do you put pictures that you have taken on your phone, when you have them, how to not lose information in the background so that they can be authenticated, who is going to use them? These are really complex questions. And things are evolving very rapidly, and I hope in the right direction. And that's why we're keeping our eye on this reading, because we want to be contributing to that in a way that is still victim-centered, still protective of persons and with an aim to make a justice that is satisfactory for them.

J Jaclyn Streitfeld-Hall 31:39

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