

BOSNIA-HERCEGOVINA

NO JUSTICE NO PEACE The United Nations International Police Task Force's Role in Screening Local Law Enforcement

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SUMMARY

The United Nations International Police Task Force (IPTF) faces a crucial test, with little time remaining. From the international community it needs the necessary resources and political support to accomplish its goals: vetting the local police of Bosnia-Herzegovina and ensuring that they are respectful of human rights and free of officers implicated in past "ethnic cleansing." If there is to be long-term peace and respect for fundamental human rights in Bosnia-Herzegovina, those who carried out serious violations of international humanitarian and human rights law during the war must be removed from positions of power and held accountable for their abusive conduct.

Nowhere is this process more crucial than among the local police forces of Republika Srpska and the Bosniak-Croat Federation. The conflict in Bosnia-Herzegovina was characterized by massive human rights violations against civilians, and the perpetrators of the abuses were frequently members of local police forces. Furthermore, after the cessation of hostilities, demobilized soldiers and paramilitaries in some areas joined the local police. The existing local police force needs to be reduced, restructured and reformed. It needs to overcome not only its war-time past, but its communist past as well. But most of all, in order to be restructured, retrained and able to enjoy any degree of public confidence and trust, it must be purged of individuals with records of severe human rights abuses.

IPTF has a mandate to restructure and retrain the local police forces. While primarily charged with the oversight of law enforcement activities in the country — that is, tasks related to preventing or decreasing the number of current human rights violations — IPTF also has the potential to affect the future human rights situation, and accountability for past abuses as well. Created under the terms of the Dayton peace agreement, IPTF was charged with overseeing civilian policing activities in Bosnia-Herzegovina during the presence of international forces in the country, and with helping to create a new, democratic police force that will be left in place after international actors leave.

IPTF's mandate to vet the local police of Bosnia-Herzegovina gives it the opportunity to make a particularly important contribution to long-term security and respect for human rights in the country. If the vetting is done properly, IPTF can help to create a new, democratic police force. The importance of this aspect of IPTF's mandate cannot be underestimated. Local police will be left on the scene when international forces leave the area, and it will be the local police who will largely determine whether the human rights of citizens of Bosnia-Herzegovina are protected and upheld. If, however, before any restructuring and retraining takes place, candidates are not thoroughly screened, the whole process will be rendered futile, and all the significant resources invested in it, a waste.

As the three-quarters mark of the duration of IPTF's initial mandate approaches, this report examines aspects of the human rights role that IPTF has played and looks at the prospects for restructuring the local police and, in particular, the task of screening candidates for police jobs. Whereas restructuring is already underway in the Bosniak-Croat Federation, with a basic agreement reached in April and further details agreed upon in May, no such progress has occurred on the Republika Srpska side. In the Republika Srpska, no agreement has been signed as of this writing, and the entire process has been stalled. In this report, we make recommendations to enhance the IPTF's current effectiveness and maximize its ability to reform the local police.

RECOMMENDATIONS

Human Rights Watch urges the IPTF to:

- increase patrolling activities in areas with a high incidence of human rights abuses. In places where the security of IPTF monitors is at risk, IPTF should coordinate with the Implementation Forces (IFOR) to ensure that patrolling activities are not obstructed;
- instruct all stations immediately to record and report to IPTF Headquarters all instances of non-compliance with the Dayton agreement by members of the local police and act upon them quickly;

- publicize the screening process through the local media, including by placing paid advertisements and creating mechanisms through which the local population can furnish the IPTF with information regarding abusive police officers, and including assurances of complete anonymity for witnesses. The announcements should spell out the selection criteria and explain the process to the public;
- establish mechanisms to protect individuals who provide information on abusive officials to the IPTF. Without protection mechanisms in place, intimidation will prevent people from reporting their experiences;
- develop a relationship with the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), with an agreement to share information on records the ICTY holds on police officials or officers;
- seek information from local and international human rights organizations regarding human rights abuses committed by members of the police;
- publicize the vetting process through the international media;
- consider information submitted by nongovernmental organizations and local witnesses in evaluating applicants' compliance with the provisions of the Dayton agreement, given that IPTF officers may have not reported all serious cases of non-compliance to the Sarajevo headquarters;
- ensure that all police officers responsible for post-Dayton human rights abuses, harassment of or threats against minorities, or who have failed to investigate and punish those responsible for human rights abuses committed under their jurisdiction, will automatically be made ineligible for police posts;
- make sure that all police officers guilty of non-compliance with the provisions of the Dayton agreement will be automatically made ineligible for police posts. Acts of non-compliance should be understood to include, but not be limited to the obstruction of freedom of movement, failure to protect the rights to return or remain, and violation of an individual's freedom of expression and association;
- ensure that all police who have threatened or committed acts of violence against IPTF, as well as those police officers temporarily detained by IFOR, will automatically be made ineligible for police posts;
- establish procedures in coordination with the Office of the High Representative to deal with any refusal by the Ministry of the Interior of Republika Srpska or by Federation authorities, including officials of the so-called Herzeg-Bosna, to cooperate with the vetting process; and
- guarantee that the procedure by which allegations of abuse are evaluated ensures that the accused individual is given notice of the accusations against him or her, and that he or she has an opportunity to provide evidence that might refute such allegations.

Human Rights Watch urges the Security Council of the United Nations to:

- ensure, as a matter of urgent priority, that IPTF is given all necessary resources (including but not limited to interpreters, vehicles, communications and technical equipment) to perform its mandated duties and to assure the safety of IPTF monitors themselves; and
- request that the secretary-general inform in his next report on measures taken by IPTF to remove individuals with a record of human rights abuses or non-compliance with the Dayton agreement from the police forces of the Bosniak-Croat Federation and Republika Srpska.

Human Rights Watch urges the High Representative to:

- declare the failure on the part of the leadership of Republika Srpska to reach an agreement regarding the restructuring of the police force as non-compliance with the Dayton agreement, and recommend that the Security Council reimpose sanctions.

Human Rights Watch urges the international community to:

- make the thorough screening of applicants for police jobs a precondition for any bilateral and multilateral aid earmarked for modernizing and retraining the police of Bosnia-Herzegovina.

MANDATE AND STRUCTURE

The Dayton agreement in annex 11 contains the "Agreement on International Police Task Force." Under its terms, parties were to request that the Security Council establish a U.N. civilian police operation to carry out, throughout Bosnia-Herzegovina, an assistance program the elements of which were elaborated in the annex's article III. While the basic elements of IPTF's mandate were contained in that article, further details were to be elaborated subsequently by the U.N. and approved by a resolution of the Security Council.

Article III of Annex 11 of the peace accord establishes the following tasks for IPTF:

1. IPTF assistance includes the following elements, to be provided in a program designed and implemented by the IPTF Commissioner in accordance with the Security Council decision described in Article I (2):

- (a) monitoring, observing, and inspecting law enforcement activities and facilities, including associated judicial organizations, structures, and proceedings;
- (b) advising law enforcement personnel and forces;
- (c) training law enforcement personnel;
- (d) facilitating, within the IPTF's mission of assistance, the Parties' law enforcement activities;
- (e) assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats.
- (f) advising governmental authorities in Bosnia-Herzegovina on the organization of effective civilian law enforcement agencies; and
- (g) assisting by accompanying the Parties' law enforcement personnel as they carry out their responsibilities, as the IPTF deems appropriate.

The accord also, among other things, authorizes IPTF to have access to any site, person, activity, proceeding, record or event in Bosnia-Herzegovina as deemed by IPTF necessary in carrying out its responsibilities.¹

¹Dayton peace agreement, Annex 11, Article IV(3), U.N. Doc. S/1995/999.

Following the signing of the peace accord, the U.N. secretary-general sent a police reconnaissance mission to the area. Based on its findings, the secretary-general's December 13, 1995 report elaborated further details of IPTF's mandate. Among other things, the secretary-general recommended:

While International Police Task Force monitors may be involved in local mediation if conflicts arise as a result of actions by local police, the Task Force will not exercise any executive law enforcement functions. Its effectiveness will depend, to an important extent, on the willingness of the parties to cooperate with it in accordance with article IV of annex 11 to the Peace Agreement.

Given the widespread availability to the population of long arms and even heavier weapons, I have given consideration to the possibility of arming the International Police Task Force monitors. The traditional side-arms carried by police officers would, however, be no match for the type of weapons likely to be at the disposal of those who might threaten the monitors. The security of the Task Force must flow from the authority granted to it by all parties under the Agreement and from the fact that its personnel represent no threat to any armed element in that area of operation. I strongly recommend, therefore, that the Task Force monitors should not be armed.²

Security Council Resolution 1035 of December 21, 1995 endorsed the recommendations made by the secretary-general's report and established the force for a period of twelve months. Under these terms, IPTF was to have its headquarters in Sarajevo, with stations throughout Bosnia-Herzegovina, to be headed by a commissioner appointed by the secretary-general, and to be composed of 1,721 members provided by member states.

Even though member states were prompt to offer the required number of police officers, actual deployment was extremely slow.³ Member states were slow to send the officers pledged, and many of the officers ultimately deployed failed the basic English-language and driving tests. In March, the force finally began to experience a significant influx of police monitors. As of March 5, 1996, only 392 officers had been deployed; that number grew to 828 by March 31; then to 1,302 a month later, and, eventually, to 1,697 as of August 19, 1996.⁴ In his June 1996 report to the Security Council, the secretary-general stated that the mission had been brought to operational level in April 1996.⁵

IPTF RESPONSE TO CURRENT ABUSES

²U.N. Doc. S/1995/1031, paragraphs 27 and 28.

³Member states offered a total of 1,985 officers. See U.N. Doc. S/1996/460, Annex.

⁴Ibid., and United Nations Mission in Bosnia and Herzegovina (hereinafter UNMIBH), DPI/1845, August 1996.

⁵U.N. Doc. S/1996/460, paragraph 2.

The first important test of IPTF's capability to protect civilians and prevent abuses came during the transition of authority in Sarajevo in early March, when several neighborhoods of the city and its suburbs were being transferred from Bosnian Serb control to that of the Sarajevo government. At the time, IPTF was strongly criticized for failing to prevent both harassment of individuals willing to remain in their homes and the massive destruction of property and city infrastructure perpetrated by the Bosnian Serbs.⁶ The inadequate number of available police monitors significantly contributed to IPTF's flawed performance during that crucial period.⁷

- Several villages around the town of Teslic in Republika Srpska territory have had a very high incidence of instances of violent abuses perpetrated by Serbs on the Bosniak minority. Human Rights Watch/Helsinki has detailed several such cases in a previous report.⁸ In late May, IPTF established a station with twenty-five police officers in the town of Teslic. In that report we documented complaints by the remaining Bosniak population that IPTF rarely acted decisively on reported problems and that it did not actively monitor the activities of the Republika Srpska police, whose members were often the perpetrators or perpetrators' accomplices in the reported abuses and who are feared by the non-Serb population. We also highlighted the concern that not enough patrolling took place in villages around Teslic and that there were no patrols at night, when most abuses occurred.
- In one incident in Teslic, described by a press account, a grenade had been tossed at a man's door and IPTF officers reported the case to the local police, despite the victim's specific request that they not do so. The man suspected that local police had thrown the hand grenade themselves and thus felt that reporting the case to the local police would be at best useless and at worst dangerous.⁹

According to recent interviews by Human Rights Watch/Helsinki, the situation in Teslic has remained tense, further exacerbated by tensions related to the mid-September elections. IPTF has been experiencing some five walk-in complaints a day from the civilian population.¹⁰

⁶For more information, see Human Rights Watch/Helsinki (formerly Helsinki Watch), "Bosnia-Herzegovina: A Failure in the Making, Human Rights and the Dayton Accords," *A Human Rights Watch Short Report*, vol. 8, no. 8, June 1996.

⁷For example, in his March 21, 1996 report to the Security Council (U.N.Doc. S/1996/210), the secretary-general stated in paragraph 8: "As at 15 March 1996, a total of 67 monitors have been repatriated - 50 for not meeting the language criteria and 17 for not passing the driving tests. To cope with this problem, the Department of Peace-keeping Operations has dispatched a police selection assistance team to a group of countries to conduct in-country tests prior to the contingents' travel. This, inevitably, has involved additional and avoidable expenditures. I should like to take this opportunity to appeal to contributing Governments to ensure that properly qualified personnel are provided for the United Nations operations."

⁸For more information, see Human Rights Watch/Helsinki, "Bosnia-Herzegovina Update - Non-Compliance with the Dayton Accords: Ongoing Ethnically-Motivated Expulsions and Harassment in Bosnia," *A Human Rights Watch Short Report*, vol. 8, no. 12, August 1996.

⁹Mike O'Connor, "Along an Ethnic Fault Line, Bosnians Fear Hard-Liners," *The New York Times*, June 1, 1996.

¹⁰Human Rights Watch/Helsinki interview with an international official in Bosnia-Herzegovina, August 7, 1996.

- IN THE NEARBY TOWN OF DOBOJ, IN AT LEAST ONE CASE DOCUMENTED BY HUMAN RIGHTS WATCH/HELSINKI, IPTF FAILED TO ACT UPON REPEATED COMPLAINTS: ON JULY 22, AN ELDERLY CROAT WOMAN, MRS. P., CAME TO THE IPTF STATION IN DOBOJ TO REPORT ON THE VERBAL AND PHYSICAL ABUSE SHE WAS SUFFERING AT THE HANDS OF SERB DISPLACED PERSONS WHO HAD BEEN HOUSED IN HER APARTMENT.¹¹ THE IPTF MONITORS REFUSED TO TAKE HER STATEMENT AND INSTEAD DIRECTED HER TO THE LOCAL (SERB) POLICE. SHE EXPLAINED THAT SHE DID NOT FEEL COMFORTABLE APPEALING TO SERB POLICEMEN AND THAT ON PREVIOUS OCCASIONS WHEN SHE HAD GONE TO THE LOCAL POLICE, SHE WAS TOLD BY THEM THAT SHE "HAD NO RIGHTS" AND THAT SHE SHOULD LEAVE REPUBLIKA SRPSKA. SHE HAD REPORTED PREVIOUS INCIDENTS TO THE IPTF STATION AND AT LEAST ON ONE OCCASION HER STATEMENT HAD BEEN RECORDED. SHE RETURNED TO IPTF STATION DOBOJ ON JULY 23, TO BE TOLD AGAIN THAT THERE WAS NO NEED TO TAKE A STATEMENT.¹²

With the ongoing influx of new monitors and the opening of new IPTF stations throughout the area over the past several months, the international police presence has become more visible, and in the course of its investigations in different parts of the country, Human Rights Watch/Helsinki encountered several examples of IPTF's contributions to the improvement of the human rights situation.

- In June, in two villages near Teslic, Muslim men were forced to perform hard physical labor. In the first village a local Serb civilian leader was responsible for this state of affairs. On approximately July 4, IPTF heard of the situation, went to the village, found the men working and took photographs. Since then the forced labor has ceased in that village. In the second village, the forced labor was run by the local military authorities. In response to reports of forced labor, IPTF went to the town, but its monitors were denied access to the military facility where the men were working. The excuse given was that IPTF does not have access to places of detention run by military authorities.¹³ IPTF left and contacted the local IFOR contingent and subsequently returned with IFOR operatives, who were also denied entry. However, after IFOR surrounded the facility, the forced labor stopped.¹⁴
- AS OF LATE JULY, THERE WAS ONGOING HARASSMENT OF THE REMAINING SERB POPULATION IN THE SARAJEVO SUBURB OF ILIJAS THAT HAD BEEN UNDER SERB CONTROL UNTIL EARLY 1996. IPTF IN ILIJAS HAD BEEN MONITORING THE SITUATION AND ATTEMPTING TO PRESSURE THE LOCAL FEDERATION POLICE TO TAKE ACTION, OFTEN TO NO AVAIL. HOWEVER, SOME SERBS IN ILIJAS REPORTED TO HUMAN RIGHTS WATCH/HELSINKI THAT IPTF HAS HELPED THEM JUST BY BEING PRESENT. UNFORTUNATELY, DESPITE THE CONTINUING MISTREATMENT AND INTIMIDATION OF SERBS IN ILIJAS, THE NUMBER OF IPTF MONITORS IN THE ILIJAS STATION WAS FIRST REDUCED, AND, BY THE END OF THE SUMMER, THE STATION WAS CLOSED. THE IPTF/ILIJAS STATION COMMANDER COMPLAINED TO HUMAN RIGHTS WATCH/HELSINKI IN JUNE THAT THE PENDING CLOSURE OF THE STATION WAS INCOMPREHENSIBLE, AS IT WOULD LEAVE THE SERB MINORITY WITHOUT ANY PROTECTION AGAINST ONGOING HARASSMENT.¹⁵ HE PROTESTED THE PLANS TO CLOSE THE STATION TO THE HIGHEST LEVELS OF THE IPTF STRUCTURE, BUT AGAINST HIS PROTESTATIONS THE STATION WAS CLOSED.
- SIMILARLY, IN ANOTHER FORMERLY SERB-CONTROLLED SARAJEVO SUBURB, ILIDZA, THE REMAINING SERBS HAVE BEEN SUBJECT TO HARASSMENT AND HOSTILITY FROM BOSNIAN REFUGEES FROM SREBRENICA, SOME OF WHOM RESETTLED IN THIS AREA. THE FEDERATION POLICE HAD INITIALLY NOT INTERVENED TO PREVENT SUCH ABUSE. DUE TO PRESSURE FROM IPTF, HOWEVER, THE FEDERATION POLICE STATION CHIEF WAS REPLACED AND INSTANCES OF HARASSMENT ARE REPORTEDLY LESS FREQUENT.
- IN THE TESLIC AREA, IN JULY, HUMAN RIGHTS WATCH/HELSINKI OBSERVED THAT THERE WAS STILL A MOBILE REPUBLIKA SRPSKA CHECKPOINT ONE KILOMETER FROM THE INTER-ENTITY BOUNDARY LINE (IEBL), NEAR AN IFOR CHECKPOINT. PERSONS DISPLACED FROM TESLIC WHO ATTEMPTED TO CROSS THE IEBL REPORTED THAT THEY WERE HARASSED AT THIS CHECKPOINT AND FREQUENTLY SENT BACK. HUMAN RIGHTS

¹¹ The Republika Srpska authorities have been known to forcibly resettle Serb refugees wherever they choose, frequently into the homes of remaining minorities which the authorities deem to be too large for the number of persons living there.

¹² Human Rights Watch/Helsinki interview with an international monitor, early August 1996.

¹³ This, in fact, is contrary to the stipulation of the Dayton agreement (see: Annex 11, article IV).

¹⁴ Human Rights Watch/Helsinki interviews, July 1996.

¹⁵ Human Rights Watch/Helsinki interview, June 25, 1996.

WATCH/HELSINKI ASKED THE IPTF MONITORS WHO WERE SITTING AT THE IEBL WHETHER THEY WERE AWARE OF THE PRESENCE OF SERB POLICE NEARBY. THEY REPORTED THAT THEY WERE AWARE OF IT BUT COULD DO NOTHING ABOUT IT. HUMAN RIGHTS WATCH/HELSINKI THEN ASKED IF THEY HAVE SEEN THE REPUBLIKA SRPSKA POLICE HARASS PEOPLE, AND IPTF REPORTED THAT THEY WOULD NOT DO THIS WITH IPTF WATCHING.

- IN THOSE VILLAGES AROUND TESLIC WHERE IPTF BEGAN PATROLLING, OR INCREASED THE FREQUENCY OF THE PATROLS, INCIDENTS OF HARASSMENT OF BOSNIAKS BY THE SERBS HAS DECREASED SINCE. HOWEVER, THERE ARE STILL SOME MORE REMOTE VILLAGES WITH BOSNIAK MINORITIES WHERE, AS OF THE END OF JULY, IPTF DID NOT PATROL, AND IPTF REMAINED HESITANT TO PATROL ANY OF THE VILLAGES AT NIGHT, THE TIME WHEN ABUSES ARE MOST LIKELY TO OCCUR.
- IN THE MUSLIM VILLAGES IN THE SAPNA THUMB,¹⁶ WHICH AT THE TIME WERE ON THE REPUBLIKA SRPSKA SIDE, IPTF CONDUCTED PATROLS TWICE A DAY FROM APPROXIMATELY THE BEGINNING OF MAY UNTIL THE TRANSFER OF THE TERRITORY TO THE FEDERATION IN EARLY JULY, IN RESPONSE TO REPORTS THAT THE VILLAGERS WERE BEING HARASSED BY SERB CIVILIANS IN THE AREA.¹⁷ RESIDENTS OF THE VILLAGES REPORTED TO HUMAN RIGHTS WATCH/HELSINKI THAT THE HARASSMENT HAD STOPPED DUE TO THE PRESENCE OF IPTF, AND THAT THEY FELT MORE SECURE SINCE IPTF STARTED PATROLLING.

It has become increasingly evident that in areas where IPTF has maintained sustained visibility, human rights abuses have significantly declined. The monitoring aspect of the mandate should therefore be given high priority by IPTF leadership. It is also critically important that IPTF be given, as an urgent priority, the basic resources indispensable to provide adequate monitoring. Well into the second half of IPTF's initial deployment, IPTF was still facing severe shortages of the most basic equipment needed to carry out the mandate and to assure a minimum of safety for its monitors.

- For example, IPTF in Sanski Most, when Human Rights Watch/Helsinki visited on July 14, had seventeen monitors and only two vehicles (one of which was on loan because the second vehicle was being repaired). The station had only two translators, no telephone, and no base radio. The station commander reported to Human Rights Watch/Helsinki that IPTF/Sanski Most was unable to perform its functions at even the most rudimentary level due to these resource problems. Human Rights Watch/Helsinki revisited the IPTF station in Sanski Most on September 14, only to find the monitors frustrated. One monitor stated, "I will never work for the U.N. again. They can't get it together."¹⁸ He stated that the lack of equipment in the field has "really hindered our work." As of September 14, there were fifteen IPTF officers in Sanski Most and two vehicles, both in poor condition. They had just received the base radio. One monitor said, "We are now where we should have been in March."
- When Human Rights Watch/Helsinki visited the IPTF station in Kiseljak in August, the station still did not have a telephone and thus, for example, could not receive faxes from the Sarajevo headquarters, or report in from the field in a timely manner.
- When we visited the IPTF station in Konjic on August 10, it happened to be the day when the station was able to send out its first fax ever. The station in nearby Jablanica had as of that same date no telephone and no fax. Its seventeen monitors had to share three vehicles and five interpreters. The IPTF station in Mostar, as of August 1, had thirteen monitors (out of the projected thirty-six) and only one vehicle.

¹⁶ An area just north of the northeastern town of Zvornik.

¹⁷ On July 8, 1996, the IEBL Commission decided to shift the IEBL, thus transferring the villages of Nezuk, Zaseuk, Kovacevici, Mahmutovici, and Vitinica from Republika Srpska territory to Federation territory.

¹⁸ IPTF monitors in Zvornik told a Human Rights Watch/Helsinki representative on July 10, that their translators had been working since April and had still not been paid. One interpreter said she had not taken any days off because she has no money to do anything or go anywhere.

IPTF AND ACCOUNTABILITY FOR PAST AND CURRENT ABUSES

Within the legacy that the international community is likely to leave behind in Bosnia-Herzegovina when it eventually withdraws, IPTF has a chance to make a crucial contribution. Among the tasks with which IPTF has been charged under the terms of the Dayton agreement and the subsequent resolutions of the Security Council, is assisting in the restructuring of local police and helping them to develop peacetime civilian policing capabilities. Local police who will be left in place after the departure of international forces will play a key role in the construction of a state of law in Bosnia-Herzegovina. Virtually every aspect of the future human rights situation in Bosnia-Herzegovina is likely to be affected by the new police force. The secretary-general in his June report on U.N. activities in Bosnia-Herzegovina pointed out both the importance of and the tremendous challenges involved in this aspect of IPTF's mandate:

Among the most difficult tasks in the peace process is to assuage the intense and widespread fear and desire for retribution resulting from a vicious conflict in which civilians were the principal targets and victims. It is in this function that the efforts of IPTF to shape a new concept of policing for the common good can make the most effective contribution. Under its present mandate, the efforts of IPTF can produce results only if the police forces in Bosnia-Herzegovina are receptive to the advice and training offered. If, instead of attempting to provide citizens of minority groups with some sense of security, police forces continue to discriminate against, harass and intimidate citizens who are not of their own ethnicity, the efforts of IPTF will have little chance of success. The restructuring of the police, undertaken under the guidance of IPTF, provides the opportunity to these police forces to develop a new democratic approach to their duties.¹⁹

Human Rights Watch believes that the critical element in the process of restructuring the police is eliminating from the force those responsible for gross human rights abuses. While civilians were the primary targets and victims of the conflict, members of police forces were often the chief perpetrators of the abuses. Furthermore, in the period following the cessation of hostilities, demobilized members of the military as well as former paramilitary militias have joined the police. It is therefore critical that thorough screening be conducted as part of the restructuring and abusers eliminated from the force. Any training or modernizing will be meaningless if individuals with abusive pasts are left within the force. In addition, efforts aimed at building confidence among the population — which the U.N. describes as its chief goal in Bosnia-Herzegovina — will be futile if the public is not assured that the new police has been purged of individuals who had in the past committed vicious acts against citizens.²⁰

One of the key elements of restructuring the police in Bosnia-Herzegovina is to reduce the size of the force. With some 20,000 members in the Bosnian-Croat Federation, and about 12,000 in Republika Srpska, almost half of the police force will have to be cut. Since the early months of its mandate, IPTF leadership has negotiated with both the Federation and the Republika Srpska governments regarding specific details of and the timetable for the upcoming restructuring. As a result, an agreement was reached with the Federation and the process envisioned is outlined below. As of this writing, however, no such agreement has been reached with the Republika Srpska authorities.

On April 25, the agreement on restructuring the police of the Federation was signed in Bonn between the president and vice-president and several high-level cabinet and police officials on behalf of the Federation, and Deputy Commissioner Robert Wasserman on behalf of IPTF. The signing was witnessed by Deputy High Representative Michael Steiner and Special Representative of the U.N. Secretary-General, S. Iqbal Riza. The agreement provides basic principles of police restructuring and stipulates that the process and its implementation will be further detailed in instructions to be issued by the IPTF commissioner. The agreement highlights the role of police in the protection of human rights. Its preambular paragraph states:

¹⁹U.N. Doc. S/1996/460, paragraph 33.

²⁰See instruction sheet "Organization, Role and Tasks, International Police Task Force United Nations Mission in Bosnia and Herzegovina," *International Police Task Force, Sarajevo, May 25, 1996.*

This agreement demonstrates our commitment to the developing of policing structures within the Federation which will support the democratic system and protect internationally accepted human rights and fundamental freedoms of all persons.²¹

Under the terms of the agreement and subsequent instructions issued by the IPTF commissioner, all police officers within the Federation must reapply for the job. This process is currently underway and is being conducted canton by canton. Officers are required to fill out a questionnaire that covers aspects of their professional and personal background. Candidates are then given a test administered by IPTF that covers a range of professional issues, as well as a psychological test. After the applications and test results are evaluated, IPTF creates an eligibility list from which the number of officers corresponding to the number of positions available is selected. To those officers, IPTF then issues temporary ID cards, and a final review will take place after three months. On IPTF recommendation, a police officer may be denied admission to the force.²² The April agreement also stipulates that individuals not selected for admission into the force as part of the restructuring process will not be allowed to perform law enforcement duties or carry arms.²³

Commissioner's Guidance and Commissioner's Guidance Notes, two documents issued by Commissioner Peter FitzGerald in Sarajevo in May, spell out the basic elements of the implementation of the restructuring agreement signed in Bonn. The minimum criteria for applicants include the following:

- no record with the U.N. International Tribunal for the Former Yugoslavia;
- no allegation of human rights abuses as police officer;
- no official complaints from U.N. IPTF for non-compliance.²⁴

The explicit acknowledgment that individuals with a history of human rights abuses have no place in the new police force is obviously a very important and positive step. Human Rights Watch/Helsinki is concerned, however, that unless IPTF undertakes an active information seeking effort and conducts thorough screening of all applicants, abusive police members will be left within the force. Our interviews in Bosnia-Herzegovina indicated that the screening element of the restructuring process is not well known outside the U.N. community.²⁵ Meanwhile, police members have continued to commit abuses, and the population has continued to fear them.

²¹"The Agreement on Restructuring the Police, Federation of Bosnia and Herzegovina," Bonn-Petersberg, April 25, 1996.

²²Human Rights Watch/Helsinki interviews in Sarajevo IPTF Headquarters, with Deputy Commissioner Robert Wasserman, July 30, 1996, IPTF Director of Special Projects Horst Thiemann, August 1, 1996, and IPTF Commissioner Peter FitzGerald, August 6, 1996.

²³Paragraph 4 of the April 25, 1996 agreement reads: "We understand and agree that those persons who are not selected to serve as police in the restructured Federation police force will not be allowed to perform law enforcement duties and will not be permitted to carry arms. Those individuals discovered with arms who are not certified by the U.N. IPTF to serve as police will be treated by Implementation Force (hereinafter IFOR) as armed civilians to be seized and disarmed."

²⁴Peter FitzGerald, Commissioner's Guidance Notes For Democratic Policing in the Federation of Bosnia and Herzegovina, UNMIBH, IPTF, Sarajevo, May 1996.

²⁵Human Rights Watch/Helsinki presented a preliminary set of recommendations to the IPTF in a September 6, 1996 letter to Commissioner Peter FitzGerald. In his response, dated September 18, 1996, Commissioner FitzGerald stated that some of the measures recommended were already being implemented by IPTF.

Throughout the conflict, Human Rights Watch/Helsinki documented numerous abuses committed by police officers.²⁶ Following the signing of the Dayton agreement, police members have continued to commit human rights violations. In several instances, members of the police have also been guilty of violating the terms of the peace accord and actively sabotaging the peace process. There have also occurred frequent instances of non-cooperation with IPTF and several hostile acts aimed directly at IPTF. Eliminating abusive police members is crucial not only to introduce a sense of accountability but also because failure to do so will seriously undermine the peace process. Some recent examples suggest the risks of permitting impunity.

Abuses Against Civilians Perpetrated by Local Police or Failure by Police to Stop Abuses

In recent months, local police officers have perpetrated abuses against civilians, or failed — and in some cases outright refused — to intervene where abuses were being committed by others. Virtually as a rule in such cases, the victims were of a different ethnicity from the policemen.

- On July 29, at approximately 6:30 a.m. two off-duty IFOR personnel who were jogging toward the Usora bridge near Dobož spotted a Republika Srpska police car speeding away from the bridge. Moments later, near the bridge the IFOR personnel discovered a badly injured and unconscious older man (later identified as a Muslim). He had broken ribs, overall bruises, was bleeding from the nose, and his thumbs had been cut off. The victim died despite IFOR personnel's attempts to revive him with CPR. The man had crossed into Dobož from the Federation territory in order to visit his former home. The presence of the local police car on the scene moments before the victim was discovered by IFOR strongly indicates police involvement. Further evidence found on the scene indicated that the abuse took place at a different location and that the victim had been subsequently brought to and abandoned in the vicinity of the bridge.²⁷
- On July 31, in Banja Luka, Republika Srpska police arrested a local Muslim man on minor charges. The man, Hasan Kovacevic, died the next day while in custody. The police claimed that he had committed suicide by throwing himself out of the window, but the pathologist's report contradicted this claim: "He was beaten with a blunt instrument several times. The injuries he received could not possibly be caused by jumping out of a first floor window."²⁸ The International Police Task Force demanded an investigation and told the Banja Luka chief of Police, Stojan Davidovic, that the officers involved should be suspended immediately. Davidovic refused to suspend his men, stating that this was not required under the laws of Republika Srpska.²⁹

²⁶Human Rights Watch/Helsinki, (the following are short reports): "Bosnia-Herzegovina: Abuses by Bosnian Croat and Muslim Forces in Central and Southwestern Bosnia-Herzegovina," vol. 5, no. 18, September 1993; "The War Crimes Tribunal: One Year Later," vol. 6, no. 3, February 1994; "War Crimes in Bosnia-Herzegovina: Bosanski Samac, Six War Criminals Named by Victims of 'Ethnic Cleansing'," vol. 6, no. 5, April 1994; "War Crimes in Bosnia-Herzegovina: U.N. Cease-Fire Won't Help Banja Luka," vol. 6, no. 8, June 1994; "Bosnia-Herzegovina: Sarajevo," vol. 6, no. 15, October 1994; "Bosnia-Herzegovina: 'Ethnic Cleansing' Continues in Northern Bosnia," vol. 6, no. 16, November 1994; "Former Yugoslavia: War Crimes Trials in the Former Yugoslavia," vol. 7, no. 10, June 1995; "Bosnia-Herzegovina: The Fall of Srebrenica and the Failure of the U.N. Peacekeeping," vol. 7, no. 13, October 1995; "Northwestern Bosnia: Human Rights Abuses during a Cease-Fire and Peace Negotiations," vol. 8, no. 1(D), February 1996; "Bosnia-Herzegovina: Update: Non-Compliance with the Dayton Accords, Ongoing Ethnically-Motivated Expulsions and Harassment in Bosnia," vol. 8, no. 12(D), August 1996; and "Bosnia-Herzegovina: A Failure in the Making, Human Rights and the Dayton Agreement," vol. 8, No. 8(D), June 1996. (The following are book-length reports.) Human Rights Watch/Helsinki, *War Crimes in Bosnia-Herzegovina: Volume I*, (New York: Human Rights Watch, August 1992), and Human Rights Watch/Helsinki, *War Crimes in Bosnia-Herzegovina: Volume II*, (New York: Human Rights Watch, April 1993).

²⁷Human Rights Watch/Helsinki interviews in Dobož/Teslic area, August 1996.

²⁸"First floor" is used in the European meaning, i.e. the first floor above the ground floor (second floor in American meaning).

²⁹Press briefings by IPTF, Sarajevo, August 7 and 8, 1996; Interoffice memorandum, IPTF, Banja Luka station, August 7, 1996.

- On April 25 Republika Srpska policemen beat up five Muslim men who returned to their homes in the village of Dugi Dio near Zvornik while they were repairing the road to the village.³⁰
- A Muslim man from the village of Gomjenica near Teslic, who fled his village on May 29, told Human Rights Watch/Helsinki that he had been repeatedly beaten by his Serb neighbors who wanted him to leave the village. He had initially sought help from the local (Serb) police, but, in his words, "The police just helped them [the civilians committing abuses] to do this."³¹
- For several months, numerous instances of harassment of the remaining Serbs took place in the suburbs of Sarajevo that had been transferred to the Bosnian government's control under the terms of the Dayton agreement. Bosnian police failed to intervene and take measures to stop the harassment. After a period of pressure from IPTF, in at least one suburb, Ilidza, the chief of police was replaced and the situation improved.³²
- According to IFOR representatives in Sanski Most interviewed by Human Rights Watch/Helsinki, in recent months there have been numerous incidents of arbitrary arrest and detention of Serbs in the Zone of Separation or while crossing the IEBL. Cases of beatings in detention in the Sanski Most jail have also been documented. According to the OSCE and IPTF, the police in Sanski Most have stated outright that anyone who tried to cross over would be taken in for questioning about war crimes.³³

Failure to Cooperate with IPTF and Instances of Non-compliance on the Part of Local Police

Local police have frequently refused to cooperate with IPTF, ignoring its requests for documents, denying it access to police stations, refusing to share information regarding investigations in progress, and more. In addition, local police have in many instances violated the terms of the Dayton accord by engaging in activities specifically banned by it, such as establishing road checkpoints.³⁴

- In a highly publicized case, known as the "Zvornik Seven," IPTF came under intense criticism for failing to accompany detainees, who were then reportedly abused in detention by Bosnian Serb police, after having been handed over to them by IFOR. As of this writing, all but one of the men remain in a Bosnian Serb prison and are scheduled to be tried by a local court. This case deserves attention in the context of examining the performance of the local police, because it provides an example of serious non-compliance with the Dayton agreement and refusal to cooperate with IPTF by the Bosnian Serb police.

On May 10, 1996, seven camouflaged Muslims handed themselves over to American IFOR troops in the woods near Zvornik, in Republika Srpska territory. They were apparently armed with handmade explosives, and claimed to have been hiding in the woods since their escape from Srebrenica ten months earlier. American IFOR, despite IPTF objections, handed the men over to the Republika Srpska police, who by this time had also arrived on the scene, claiming that the men were civilians and that therefore the issue was one between IPTF and the local police. The Bosnian Serb police took the men to the Zvornik police station. IPTF followed, was present until 9:30 p.m. in the police station, but then left.

During that night the men were beaten and confessions were forcibly obtained from them. Four of them confessed to murders of four Serbs. In violation of the provisions of the Dayton agreement, IPTF was repeatedly denied access to the police station and the place where the men were detained. During the

³⁰For more information, see Human Rights Watch/Helsinki, "Bosnia-Herzegovina Update: Non-compliance with the Dayton Accords-Ongoing Ethnically-Motivated Expulsions and Harassment in Bosnia," *A Human Rights Watch Short Report*, vol. 8, no. 12, pp. 11-12.

³¹Ibid., p. 6.

³²Ibid., and Human Rights Watch/Helsinki interviews, August 1996.

³³Human Rights Watch/Helsinki interviews, July 1996.

³⁴Dayton agreement, annex 1-A, article VI, paragraph 9(a).

subsequent several days, IPTF was also denied any participation in the investigation, and on various occasions the local police either lied to them or misled them. All except one of the men (who was released within the past month) are currently in prison in Bijeljina. They are to be tried in a Republika Srpska court and defended by a Republika Srpska-appointed lawyer.

- The town of Prijedor, in Republika Srpska territory, is notorious not only because of the concentration camps that were located there and the fact that it was the scene of some of the most brutal “ethnic cleansing” carried out during the war, but also because of the post-war recalcitrance on the part of local authorities to respect the Dayton agreement.

ACCORDING TO IPTF OFFICERS IN PRIJEDOR, LOCAL LAW ENFORCEMENT AUTHORITIES HAVE FAILED TO COOPERATE WITH THEM ON ALMOST EVERY ISSUE. IPTF IS FREQUENTLY DENIED ACCESS TO POLICE STATIONS AND IS NOT INVOLVED IN SUPERVISION, TRAINING, OR ASSISTING THE LOCAL LAW ENFORCEMENT AUTHORITIES DUE TO A LACK OF COOPERATION BY THE LOCAL AUTHORITIES. THIS HAS SERIOUSLY HAMPERED THE FULFILLMENT OF IPTF'S MANDATE WITH RESPECT TO MONITORING AND OBSERVING. FOR EXAMPLE, DURING THE WEEK OF JUNE 12, IPTF WAS DENIED ACCESS TO BOTH THE TRAFFIC POLICE STATION AND POLICE STATION #2 IN PRIJEDOR, BY POLICE OFFICERS WHO REFUSED TO GIVE THEIR NAMES AND WHO DID NOT WEAR NAME TAGS. JOINT PATROLS IN PRIJEDOR BETWEEN THE LOCAL POLICE AND IPTF DID NOT TAKE PLACE UNTIL THE SECOND WEEK IN MAY, AND AS OF THE TIME OF OUR INTERVIEW, WERE STILL IRREGULAR.

Prijedor's police chief, Simo Drljaca, has a long record of abuse. Drljaca controlled the civil police and “special police forces” during the Serb takeover of the Prijedor area in April 1992. Drljaca was directly involved in setting up the infamous camps around Prijedor, according to the War Crimes Commission, the investigatory body which preceded the International War Crimes Tribunal for former Yugoslavia (ICTY).

- IPTF in the Croat-controlled town of Kiseljak receives little or no cooperation from local police. For example, after a shooting incident in which two American citizens who were shot and injured while driving their car on July 12, the head of police, Mladin Tolo, refused to share files of his investigation of the incident with IPTF until an intervention by a U.S. diplomatic representative.³⁵ Furthermore, Ivica Rajic, a Croat indicted for war crimes by the ICTY, reportedly lives in Kiseljak. Local police authorities have failed to hand him over to the Hague, in violation of the Dayton agreement.
- When informed in March by IPTF of the rules making road checkpoints illegal, Banja Luka chief of police Stojan Davidovic told IPTF that, “the police will not give up — we want to know how many Muslims are entering our area.” Most recently, following the beating to death of a Muslim man in Banja Luka police custody (see above), Davidovic told IPTF monitors that the police had suspects in the case but refused to provide their names.
- Capljina's chief of police has required that groups of persons traveling by bus provide twenty-four hours notice and a list of all persons in the group. The police in Capljina have asserted their intention to refuse passage to persons who are suspected of criminal activity during the war, or persons who cannot prove their identity. The Dayton agreement does not permit the obstruction of freedom of movement based upon identity documents.

³⁵Human Rights Watch/Helsinki interview, Kiseljak, August 5, 1996.

- In the period leading up to the elections, local police chiefs on the Republika Srpska territory repeatedly informed IPTF that they “could not” provide security for voters coming from the Federation territory (veiled threats of violence aimed at discouraging voters from coming to vote, in blatant violation of the Dayton agreement).³⁶
- On August 16, Prijedor police chief Simo Drljaca told IPTF: “We do not have anything against Muslims but we do not want them to come here to vote.” He said that Muslims should only be allowed to vote only in designated polling stations near the IEBL. “If Muslims are allowed to vote in all of the 86 polling stations in Prijedor there will be no elections. Do you want another war?”

Koraj Chief of Police Branko Jekic had made several statements (in July, on August 7 and on August 26) implying that the safety of Muslim voters would not be assured during elections.³⁷

Banja Luka Chief of Police Stojan Davidovic told IPTF on August 20 that even though he issued an instruction to police officers under his command to step up cooperation with IPTF in relation to the elections, “the possibility of provocations and incidents can not be excluded.”³⁸

Threats Against and Acts of Hostility Toward IPTF by Local Police

Local police on several occasions threatened IPTF monitors or perpetrated acts of violence and open hostility. For example:

- The chief of police in Pale declared in July that IPTF monitors would be taken hostage if the Bosnian Serb leader, indicted war criminal Radovan Karadzic, were arrested.³⁹ Pale is the town where Karadzic is reported to be living.
- Also in July, the West Mostar (Croat-controlled) police chief arrested the Bosnian chief of police from Jablanica who had been invited to a meeting with the Mostar official. He made threats against IPTF monitors who intervened on behalf of the arbitrarily detained man. Subsequently, IPTF demanded the dismissal of the West Mostar police chief, and he indeed was removed from his post.⁴⁰
- Two senior Bugojno (Bosnian) police officers in July threatened to “arrest, kidnap and shoot IPTF monitors” when IPTF tried to protect a Croat family from being evicted. IPTF demanded the dismissal of the two police officers.⁴¹ As of this writing, it is unclear whether this demand has been met.
- On August 29 a group of Muslims who returned to their homes in a largely destroyed and abandoned village of Mahala, near Zvornik, on the Republika Srpska territory, was attacked by some fifty Serbs, some of them police officers. The Serbs fired weapons into the air and attacked Muslims with clubs, leaving at least ten people seriously wounded. The attack was stopped by NATO forces, who arrived at the scene and detained forty-six Bosnian Serbs, including several Serb police officers.

³⁶Inter-Agency document issued by the Office of the High Representative and leaked to Human Rights Watch/Helsinki, August 1996.

³⁷ Ibid.

³⁸ Ibid.

³⁹Information sheet provided to the press by the office of the spokesman for the secretary-general, August 1, 1996.

⁴⁰Human Rights Watch/Helsinki interviews in Konic, Jablanica and Mostar, August 1996; Human Rights Watch/Helsinki phone interview with IPTF press office in Sarajevo, September 12, 1996.

⁴¹Daily press briefing of the office of the spokesman for secretary-general, July 30, 1996.

In retaliation, that evening about one hundred Bosnian Serbs, some carrying weapons, surrounded the IPTF station in Zvornik, with five IPTF monitors and four other civilian U.N. staff members inside. Two Russian U.N. police monitors who went outside were assaulted by the local police and forced back inside. A U.N. civil affairs officer was punched and kicked as he attempted to leave the station. Another civil affairs officer was pulled out of his car and taken to a Bosnian Serb police station. A small explosive device was then put in his car and detonated, destroying it completely. Three other U.N. vehicles were badly damaged and one more was lightly damaged.⁴²

Secretary-General Boutros Boutros-Ghali, in his June report on the U.N. presence in Bosnia-Herzegovina cautioned:

If, instead of attempting to provide citizens of minority groups with some sense of security, police forces continue to discriminate against, harass and intimidate citizens who are not of their own ethnicity, the efforts of IPTF will have little chance of success.⁴³

The international community can potentially play a crucial role in assuring not only that the human rights situation in Bosnia-Herzegovina has a chance to improve, but in seeing that its own creation, IPTF, is successful and that the resources that went into its establishment are not wasted. While the running of the police will ultimately be the responsibility of the local government, the international community currently has the leverage to help make sure that those guilty of human rights abuses are excluded. United Nations member states that have indicated their willingness to contribute funds to the restructuring of the Bosnia and Herzegovina police must make sure that no funds are disbursed before the thorough screening of all applicants has taken place.

⁴²Daily press briefing of the office of spokesman for secretary-general, August 30, 1996.

⁴³See footnote 18.

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Human Rights Watch/Helsinki

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