

BOSNIA AND HERCEGOVINA
BEYOND RESTRAINT
Politics and the Policing Agenda of the United Nations
International Police Task Force

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I. SUMMARY

The United Nations mission to Bosnia and Hercegovina—with over 2,000 international police monitors—has the opportunity to make an important contribution to lasting peace and respect for human rights in the country. The U.N. International Police Task Force (IPTF), whose mandate comes up for renewal on June 21, is assigned responsibility for building a democratic police force in the country, one that protects human rights rather than one that shelters human rights abusers. As part of this process, IPTF monitors, who are charged with investigating and documenting police abuses, have a crucial role to play in identifying police officers who have committed war crimes, crimes against humanity, genocide, or other serious human rights abuses and ensuring that these officers are removed from the police force.

This is a critical moment for the U.N. mission in Bosnia and Hercegovina because of the confluence of at least two factors: first, there are still numerous human rights abusers and alleged war criminals in the police force, whose continuing influence prevents the development of democratic policing in Bosnia and Hercegovina. Second, the need for democratic policing is now higher than ever because, more than two years after the signing of the Dayton agreement, thousands of refugees are attempting to return to their homes, accompanied by all of the inherent difficulties that reintegration of their torn communities entails. Special Representative of the Secretary-General Elisabeth Rehn has declared 1998 the year of minority returns; the need for a democratic local police force to ensure suitable conditions for minority returns, including full respect for freedom of movement and general respect for human rights, is crucial in this process.

The overall fate of the United Nations mission in Bosnia and Hercegovina depends to a large extent on the IPTF's ability to vigorously address human rights issues. During the first year of its mission, IPTF's mandate did not allow IPTF to fully use its resources in that respect. In a November 1996 speech, Kofi Annan, then head of the Department of Peace-keeping Operations, reflected his frustration with the inadequacies of the mandate of the United Nations police in Bosnia and Hercegovina at that time.

...Police in many parts of the country have been directly involved in abuses of power and human rights. Under the present arrangements, the UNIPTF is obliged to bring such abuses to the attention of those who, in many cases, are the perpetrators or instigators of the actions, and ask them to investigate them themselves. Obviously, many of such investigations do not go very far. We are currently examining ways to address this situation.

Although nearly 1,700 monitors were deployed in Bosnia in 1996, the international police proved unable or unwilling to assist victims of human rights abuses or to hold accountable local police officers who committed human rights abuses against the citizens they were obliged to protect. The concern articulated by Annan was addressed in Security Council Resolution 1088, passed soon after in December 1996. The resolution expanded the mandate of the U.N. police in Bosnia and Hercegovina to include the power to conduct their own independent investigations into human rights abuses perpetrated by the local police, whereas previously the IPTF had only monitored local police investigations. Despite this substantial increase in authority, however, the leadership of the IPTF largely failed in the ensuing year to exercise its new powers.

Speaking to the press in Sarajevo on the occasion of the second anniversary of the signing of the Dayton agreement, then secretary-general's special representative in Bosnia and Hercegovina, Ambassador Kai Eide, noted that the IPTF is the United Nations' "most ambitious police task force ever established." He also stressed that among things the IPTF is trying to achieve, "the most important is to see that human rights are being respected without regard to ethnic or religious belongings," and that the IPTF is mandated to restructure local police in order to leave behind a police force that is "efficient, modern, and can fight crime and corruption... [and] is fair and without discrimination."

The Peace Implementation Council (a body established by the December 1995 London Peace Implementation Conference to monitor compliance with the Dayton agreement) reiterated the critical nature of the IPTF's human rights mandate in the conclusions to the Bonn Peace Implementation Conference of December 10, 1997, stating that "progress in many areas of peace implementation, including refugees and displaced person returns [and] freedom of movement...are directly tied to improvements in public security." On December 19, the Security Council extended IPTF's mission for another six months, reaffirming in particular the provisions of both the London and Bonn meetings, in its resolution 1144.

However, the IPTF's leadership in Sarajevo appears to have taken a minimalist approach to the elements of its mandate, as established by Security Council Resolution 1088, that empowers its police monitors to conduct human rights investigations of police abuses. The IPTF leadership insists that the local police investigate such abuses, limiting the IPTF's role to monitoring these investigations and intervening only in selected cases. Thus, IPTF is, at best, fulfilling its mandate as it existed prior to the passage of Resolution 1088, but almost completely failing to carry out its expanded mandate to conduct its own human rights investigations. Even more distressingly, as of late May when this report goes to press, IPTF appears to be reverting to the situation from the early stage of its existence that gave raise to secretary-general's frustration expressed in his speech at Yale many months ago. Despite the necessary mandate from the Security Council, IPTF investigations of human rights violations committed by local law enforcement, are being relegated to the status of "the last resort" even before the system for these investigations was fully operational and had had a chance to play its intended role. Most field monitors whom Human Rights Watch interviewed were not even aware that they possess the authority to conduct human rights investigations independent of the local police. In addition, most IPTF monitors do not have any professional background in human rights investigations and do not receive sufficient training from their home countries or from the United Nations in order to undertake their expanded responsibilities under the human rights mandate. Finally, the distribution of responsibilities within IPTF stations appears to make it difficult for monitors to reconcile the conflict of interest which arises between the duty to conduct human rights investigations and the duty to improve relations with the local police.

Another important aspect of the IPTF's role in Bosnia and Hercegovina is oversight of the restructuring of the local police, including the removal of human rights violators from the police force. Human Rights Watch first addressed this issue in its September 1996 report "No Justice No Peace." The screening of police applicants as part of the IPTF's local police restructuring, however, has thus far been largely ineffectual. In part, this effort is stymied by basic organizational problems, including poor communication of instructions, data, and reports within headquarters as well as between headquarters and outlying field stations, insufficient institutional memory due to high turnover in monitors and short assignments, and equipment problems. But more importantly, it reflects a lack of political will to tackle energetically the obstacles to vetting of the police and thereby to honor this dimension of the United Nations' commitments in Bosnia and Hercegovina.

Where the IPTF has wholly committed its resources to human rights work, the results have been substantial and constructive. However, these instances have been the exception rather than the rule. As a result, although the IPTF has had a presence in Bosnia for more than two years, few police officers have been dismissed from the local force for human rights abuses committed during the war or in the period since the signing of the Dayton agreement, and local police continue to perpetuate or fail to prevent acts of intimidation, harassment and other abuses or attacks against the civilian population.

The IPTF has recently undergone a substantial change in leadership, with Elisabeth Rehn taking over as the special representative of the secretary-general, as of January 16, 1998, and Richard Monk becoming IPTF commissioner on March 4.¹ Subsequently, the IPTF embarked upon a restructuring process, aimed at streamlining and clarifying lines of authority and communications within the IPTF. The new structure that went into effect on April 6,

¹ NATO/SFOR Transcript of Joint Press Release at the Coalition Press Information Center/Tito Barracks, Sarajevo, March 4, 1998; U.N. Press Release SG/A/658 (November 26, 1997).

puts the main emphasis on training and development of local police. Under the new structure, human rights investigations become assimilated into the regional structure; the decisions regarding initiating human rights investigations are made by regional commanders of IPTF, with regional human rights coordinators having an advisory capacity. The head of the human rights office provides guidance to human rights coordinators, and through them to human rights officers deployed throughout the country. Human rights officers report to station commanders, and regional human rights coordinators to regional commanders. While it is too early to evaluate the potential impact of this last development, overall the United Nations must be called to account for downplaying its own ambitious human rights mandate for democratic policing in Bosnia and Hercegovina. As a high profile actor in a constellation of international organizations working in Bosnia and Hercegovina, the United Nations police have a special responsibility to take the lead in creating a political atmosphere that minimizes human rights abuses and encourages reconstruction of a civil society in Bosnia and Hercegovina. This report will evaluate the progress of the IPTF in ridding local police of human rights violators since the release of Human Rights Watch's previous report on the IPTF in September 1996, and examine the implementation of its human rights mandate.

II. RECOMMENDATIONS

Human Rights Watch urges the IPTF to take action regarding:

A. police restructuring:

- ensure that all individuals indicted for war crimes are not allowed to serve in any capacity in law enforcement or government;
- ensure that all police officers responsible for post-Dayton human rights abuses will be automatically excluded from the police force in the process of restructuring and furthermore not be allowed to serve in any capacity in law enforcement or government;
- place IPTF personnel again in the Hague at the International Criminal Tribunal for the Former Yugoslavia (ICTY) for the purpose of background checks;
- coordinate with the Office of the High Representative (OHR) to ensure that all police who have threatened or committed acts of violence against the IPTF, including any acts observed or reported by the NATO Stabilization Force (SFOR), will automatically be made ineligible for police posts and will not be allowed to serve in any capacity in law enforcement or government;
- publicize the vetting process through the international media;
- require as a matter of the highest priority that all IPTF monitors inform SFOR and/or IPTF headquarters without delay of any sightings of persons indicted for war crimes.

1. submission of police candidate applications:

- exert pressure, if necessary, to ensure that all background information collected by local governments in candidate applications—including but not limited to accounting of wartime assignments, military units and brigades, names of commanders, locations and dates served, and other relevant information—is immediately provided to the IPTF. The failure to provide truthful, accurate information in a candidate's application should be grounds for immediate rejection of the application or later dismissal of the provisionally certified officer;
- ensure that all future applications for positions with the local police are submitted directly to the IPTF for purposes of facilitating more direct and thorough vetting of a larger pool of candidates.

2. publication of candidate lists:

- publish lists of police candidates for each canton and security center throughout Bosnia and Hercegovina in the local and regional press in a timely fashion and on an ongoing basis;
- re-circulate the IPTF's questionnaire to local NGOs seeking information on police human rights abuses, with the police candidate lists published in newspapers attached and follow up on the questionnaires;
- publish newspaper ads with the names of provisional officers in areas where refugees are currently living and not only where provisional officers are serving on the police force. This should include targeting internally displaced as well as refugees currently living in Germany, Switzerland, Sweden, and elsewhere in Europe and the world;
- coordinate with other international organizations in Bosnia and Hercegovina in order to develop more innovative methods of distributing officer lists. For example, UNHCR representatives have indicated that they would be willing to make available officer lists at information centers, which regularly draw internally displaced persons and refugees;
- educate thoroughly all IPTF monitors about the purpose of publishing officer lists in newspapers, and provide detailed procedure for the processing of information received as a result of the publication of the ads.

3. noncompliance:

- report fully and publicly on all incidents of noncompliance with the Dayton agreement by the local police following the immediate reporting of noncompliance to IPTF headquarters;
- make sure that the Federation and Republika Srpska Ministries of the Interior are informed of noncompliance cases and that all police officers guilty of noncompliance with the provisions of the Dayton agreement will be automatically made ineligible for police posts and not allowed to serve in any capacity in law enforcement or government. Acts of noncompliance 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, violation of an individual's freedom of expression and association, failure to provide the IPTF with requested information and documentation, failure to provide immediate and unimpeded access to any facility with police functions, including especially places of detention, and violation of due process rights under international standards;
- establish a noncompliance protocol with clear correlations between the number and nature of noncompliance offenses and the corresponding penalties or consequences for local police officers and ensure that all IPTF monitors are informed of this protocol;
- ensure that all IPTF monitors are fully aware of their obligations relating to noncompliance reporting and receive sufficient practical training and periodic updates in that training to facilitate their fulfilment of that obligation;
- ensure that IPTF field stations are fully and promptly informed by headquarters of its response to information contained in noncompliance reports, and that IPTF monitors receive all relevant documents in a timely fashion;
- establish a transparent, systematic review process for noncompliance reports, including a timetable for a variety of responses. There should be a follow-up system for IPTF monitors and other international organizations which is easily accessible and clearly demonstrates the cause-and-effect relationship between noncompliance and censure, prosecution, and/or loss of employment.

- ensure that all other international actors, including at a minimum NATO, the OHR, the UNHCR, and the Organization for Security and Cooperation in Europe (OSCE), are thoroughly informed of cases of noncompliance with the Dayton agreement, where it is relevant to their mandates.

B. human rights investigations

- ensure that all IPTF monitors are fully informed of their obligations under the most current IPTF mandate and provide thorough and ongoing human rights training to ensure the effective implementation of that mandate;
- ensure continuity in distribution of all key circulars regarding the IPTF's human rights mandate to avoid institutional memory lapses. This should be part of an ongoing program to update and refresh the training of IPTF monitors regarding human rights investigative, noncompliance and other procedures;
- take full advantage of existing U.N. training programs, especially the human rights training program administered by the U.N. Department of Peace-keeping Operations, in cooperation with the U.N. High Commissioner for Human Rights, in Turin, Italy. The IPTF Commissioner should request that participants in that program, who are available to the U.N. for two years following their training, be sent to Bosnia and Herzegovina to periodically visit local IPTF stations and train IPTF monitors in the field, with a specific orientation towards practical human rights issues which IPTF monitors are required to address in their daily work;
- conduct regularly—and not as a matter of last resort—fully independent human rights investigations into allegations of local police abuse and report publicly the results and recommendations for further action, and exert pressure on local government representatives to take all necessary and appropriate measures, including but not limited to censure, removal from the police force, and prosecution;
- ensure that IPTF monitors in all regions are continually apprised of current human rights cases and the results of investigations undertaken by the IPTF Human Rights Office or any other IPTF representative in their areas. They should not have to actively seek out the results of IPTF human rights investigations, but rather these should be provided to IPTF monitors in the field as a matter of course. Only in this way can the reports of the Human Rights Office be efficiently integrated into the work of IPTF monitors, in order to help maintain institutional memory within stations, and to aid them in monitoring the local situation, for purposes of following up on report recommendations;
- seek information from local and international human rights organizations regarding human rights abuses committed by members of the police and consider information submitted by nongovernmental organizations and local witnesses in evaluating applicants' and provisional officers' compliance with the provisions of the Dayton agreement;
- more closely supervise the investigations of local police into human rights abuses and ethnically-motivated crimes, and apply political pressure if necessary to remove obstacles to such investigations;
- establish mechanisms to protect the identity and well-being of individuals who provide information on abusive officials to the IPTF. Without protection mechanisms in place, intimidation will prevent people from reporting their experiences;
- 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;
- establish an independent, multidisciplinary, incident follow-up unit, separate from any individual region or station, with direct ties to IPTF and other international organizational leadership and composed of

representatives of the IPTF, the OSCE, the OHR, and the UNHCR. Such a team could undertake longer-term follow-up on cases of ethnically-motivated murders and the investigation of criminal cases which have posed especially difficult political problems for local IPTF monitors;

- publicize and update the status of unsolved cases of ethnically-motivated murder and other crimes in places easily accessible to local and international media, such as at the daily NATO joint press briefing. This pressure should be applied continuously to local authorities until they cooperate substantively in the investigation of such crimes.

Human Rights Watch urges the United Nations Secretariat to:

- require member states contributing monitors to select monitors of high professional and moral standing;
- require that member states supply monitors for a minimum of one-year terms, as requested by Special Representative of the Secretary-General Elisabeth Rehn, in order to facilitate continuity and optimize return on the training invested by the U.N. in individual monitors;
- request that member states second civilian human rights experts to the IPTF's Human Rights Office; this measure would ensure that the Human Rights Office has sufficient personnel with legal and other needed expertise to complete all human rights investigations undertaken.
- ensure that IPTF monitors receive human rights training sufficient to create a uniform level of knowledge among monitors and prepare them for the practical demands of their work. The U.N. should incorporate a strong element of practical field orientation, especially in such specialized areas as human rights training.
- insist that the mandate as set out in Resolution 1088 is fully implemented by the IPTF leadership in Bosnia and ensure as a matter of urgent priority that the IPTF is given all necessary resources to perform its mandated duties and to assure the safety of all IPTF monitors.

Human Rights Watch urges the United Nations Security Council to:

- when it renews the mandate of the IPTF that expires on June 21, explicitly restate the human rights provisions of that mandate, set out in the final document of the London Peace Implementation Conference in December 1996 (S/1996/1012) and Security Council's resolutions 1088 and 1107.

Human Rights Watch urges the Office of the High Representative to:

- establish procedures in coordination with the IPTF to deal with any refusal by the Ministries of the Interior of Republika Srpska or the Federation to cooperate with the vetting process.

Human Rights Watch urges the international community to:

- ensure that no bilateral or multilateral aid is given to the police before vetting and restructuring has been completed or to municipalities in which local police who are still on the force have committed serious human rights abuses or obstructed the implementation of the Dayton agreement. The international community should also withhold aid from the Republika Srpska until a comprehensive and accurate list of RS police officers, regular, special, reserve, or anti-terrorist, is submitted to the IPTF and SFOR. The existence of police or paramilitary units of unknown strength, whose members may fall outside the review process and who may be mobilized at a moment's notice, is a threat to the restructuring process;
- exert both economic and diplomatic pressure on local police forces and their political leaders to implement the civilian components of the Dayton agreement, including specifically the arrest of persons indicted by the ICTY for genocide, war crimes, and crimes against humanity. Their presence and continuing influence disrupts the process of creating a democratic police force and contributes to ongoing human rights abuses, obstruction of the Dayton agreement, and an atmosphere of impunity in Bosnia and Hercegovina;

- encourage organizations dealing with refugees to help the IPTF target refugee populations for distribution of lists of provisionally certified police officers;
- ensure that member states of the international community which contribute police officers to the IPTF monitoring force provide sufficient human rights training for those police officers and ensure that their own officers actively participate in United Nations training programs.

Human Rights Watch urges the signatories to the Dayton agreement to:

- remove officials determined to have participated in, ordered, or failed to prevent the commission of human rights abuses or who have obstructed the implementation of the Dayton agreement. This action is already mandated by the Dayton agreement, which in Annex 7 requires the parties to take immediate action to prosecute, dismiss or transfer, as appropriate, persons in military, paramilitary and police forces and other public servants, who are responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups;
- cooperate fully with the IPTF, SFOR, the institution of Federation Ombudsmen, and the Office of the Bosnia and Hercegovina Ombudsperson; this includes the submission of a comprehensive and accurate list of all current Republika Srpska police—regular, reserve or special—and anti-terrorist units, to the IPTF and SFOR;
- arrest indicted war criminals and turn them over to the International Criminal Tribunal for the Former Yugoslavia, as is required by the Dayton agreement.

III. MANDATE AND STRUCTURE OF THE IPTF

The IPTF was established by Annex 11 of the Dayton agreement for the purpose of assisting, advising, monitoring and training local law enforcement personnel and advising governmental authorities, in order to facilitate the creation of a democratic police force in Bosnia and Hercegovina. Under its terms, parties were to request that the Security Council establish a U.N. civilian police operation to carry out an assistance program throughout Bosnia and Hercegovina,, the elements of which were set forth in Annex 11, article III. Article III contained the basic elements of the IPTF's mandate, with further details 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 the IPTF, with the IPTF Commissioner to design a program for their implementation:

- (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 and Hercegovina 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 authorizes the IPTF to have access to any site, person, activity, proceeding, record or event in Bosnia and Hercegovina deemed by the IPTF to be necessary in carrying out its responsibilities.²

Security Council Resolution 1035 of December 21, 1995, endorsed the recommendations made by the secretary-general's report of December 13, 1995 following a U.N. police reconnaissance mission, and established the force for a period of twelve months. Under these terms, the IPTF was to have its headquarters in Sarajevo, with stations throughout Bosnia and Hercegovina, to be headed by a commissioner appointed by the secretary-general, and to be composed of 1,721 monitors provided by member states.³

What Security Council Resolution 1035 did not envision, however, was the degree to which the restructuring of local police officers would be hindered by the presence of local police officers who continued to commit human rights abuses against members of the civilian population. Clearly, as Secretary-General Kofi Annan acknowledged, local police were all too often unwilling to investigate abuses committed by their colleagues. If information about such ongoing abuses was to be included in the restructuring process, it would have to be gathered by the IPTF.

The London Peace Implementation Conference, which was held December 4-5, 1996, evaluated the progress of the international community's work in Bosnia and Hercegovina and specifically addressed the issue of policing. In the concluding document, the Peace Implementation Council approved an action plan for the coming year to "[improve] the effectiveness of the...IPTF by allowing it to investigate or assist with investigations into allegations of misconduct by police..."⁴

The expansion of the mandate envisioned at the London Conference is reiterated and supported by a number of Security Council resolutions and other United Nations documents, reinforcing its importance on the U.N. agenda in Bosnia and Hercegovina.⁵

Security Council Resolution 1088, passed on December 12, 1996, referred to the conclusions of the London conference, linking them to the expansion of the IPTF's mandate through the addition of the power to conduct independent investigations into human rights abuses by the local police. The resolution states that:

The IPTF shall continue to be entrusted with the tasks set out in Annex 11 of the Peace Agreement, including the tasks referred to in the Conclusions of the London Conference and agreed by the authorities in Bosnia and Herzegovina...in particular its work in....advising law enforcement agencies on guidelines on democratic policing principles with full support for human rights, and investigating or assisting with investigations into human rights abuses by law enforcement personnel...⁶

² Dayton agreement, Annex 11, Article IV(3), U.N. Doc. S/1995/999.

³ U.N. Doc. S/RES/1035 (1995), paragraph 2.

⁴ U.N. Doc. S/1996/1012, paragraph 5.

⁵ The importance of the conclusions reached by the 1996 London Conference regarding the IPTF's mission has been repeatedly emphasized in United Nations documents. See S/RES/1103 (1997), S/1997/224, paragraph 12, S/RES/1107 (1997), and S/1997/310, paragraph 223 as examples.

⁶ U.N. Doc. S/RES/1088 (1996), paragraphs 27 and 28.

More recently, the Peace Implementation Council held a conference in Bonn, Germany on December 10, 1997, to evaluate the work of the international community in Bosnia and Hercegovina. The council expressed its appreciation for the IPTF's work, "most notably in...addressing human rights abuses by the police" and stressed that "progress in many areas of peace implementation, including refugees and displaced person returns, freedom of movement, and economic reconstruction, are directly tied to improvements in public security."⁷ Following the conference in Bonn, the Security Council passed Resolution 1144 on December 19, 1997. The resolution acknowledged the conclusions reached in Bonn and extended the mandate of the United Nations Mission in Bosnia and Hercegovina (UNMIBH) until June 21, 1998.⁸ In addition, the resolution reaffirmed the need for qualified, experienced and professional personnel for the successful implementation of the IPTF's mandate and urged member states to ensure the provision of such qualified personnel.⁹

The IPTF is headed by a commissioner and its work is divided between two main components: the operations and operations support divisions. There are currently 62 stations throughout the country and seven regional centers. Regional commanders report to the Deputy Commissioner for Operations. Operations is responsible for monitoring the local police in order to ensure freedom of movement, adherence to professional police procedures, and respect for human rights. Among the individuals and units which fall under the operations division are the regional and local human rights coordinators and officers directly responsible for human rights investigations, as well as the units responsible for local police certification, background investigations, and local police training. The operations support division is responsible for policy development, logistics and personnel issues, including training of IPTF monitors.¹⁰ As of March 4, 1998, the IPTF had 2,011 monitors from forty-two countries.¹¹ Its authorized force, as of May 21, 1998, is 2,057.

⁷ U.N. Doc. S/1997/979, Part IV, paragraph 1.

⁸ On May 21, the Security Council's Resolution 1168 authorized additional thirty posts for IPTF.

⁹ U.N. Doc. S/RES/1144 (1997), paragraphs 1 and 4.

¹⁰ Mark Kroeker, deputy commissioner of the IPTF Operations Division, telefax transmission to Human Rights Watch, May 11, 1998.

¹¹ The number of civilian police monitors varies owing to rotations. U.N. Doc. S/1998/227, Annex.

The IPTF created a Human Rights Office following passage of Security Council Resolutions 1088 and 1107. Security Council Resolution 1107, passed on May 16, 1997, designated 120 police personnel for the Human Rights Office, specifically to conduct human rights investigations, to work in cooperation with ten civilian staff members, including the chief of the Human Rights Office.¹² The Human Rights Office was officially designated as operational only at the end of October 1997, and the full deployment of personnel took even more time.¹³ According to an IPTF representative in Sarajevo, currently sixty-two of these monitors are assigned at the local level, one posted to each IPTF station. The remaining monitors work at the seven regional headquarters and the main headquarters in Sarajevo.¹⁴ Following the April 1998 restructuring, regional human rights coordinators report to regional commanders and provide guidance to station-level human rights officers. The head of the human rights office provides guidance to the human rights coordinators.¹⁵

Police Restructuring

One of the primary tasks of the IPTF in Bosnia and Hercegovina is to assist in the creation of a democratic police force before the international community leaves, capable of creating a sense of security among its citizens. Within that process, a key element has been to reduce the size of the force. With some 20,000 members in the Bosniak-Croat Federation, and between 10,000 and 50,000 in Republika Srpska at the time of the IPTF's deployment in early 1996, the police force needed to be reduced by at least half.¹⁶ Since the early months of its mandate, the IPTF leadership has been negotiating with both the Federation and the Republika Srpska authorities regarding the details and timetable of the upcoming restructuring. As a result, the so-called Bonn-Petersberg agreement was reached with the Federation in April 1996.

Reaching an agreement with the Republika Srpska authorities proved extremely difficult and time-consuming, due largely to their ongoing obstruction of the Dayton agreement and the continued influence of indicted persons and others alleged to be responsible for human rights abuses. For example, in late October 1996, four persons indicted by the ICTY were discovered to be working as police officers in the Prijedor area. More than two weeks after the discovery, then Minister of the Interior Dragan Kijac responded to IPTF requests for information by stating that the four were no longer police officers. However, he refused to arrest them, claiming that no information had been provided to him regarding any wrongdoing by the four indictees. Kijac also refused to provide comprehensive lists of police officers to the IPTF.¹⁷ (As this report goes to press in late May 1998, the IPTF still had not received this list.) And it

¹² Claudio Cordone, chief of the IPTF Human Rights Office, telefax transmission to Human Rights Watch, December 16, 1997; U.N. Doc. S/1997/966, paragraph 16 (reference to 120 monitors and ten civilian staff members).

¹³ Human Rights Watch telephone interview with an IPTF representative in Sarajevo, December 1997.

¹⁴ Interviews with IPTF representative, Sarajevo, May 20, 1998.

¹⁵ Change in regional command structure, telefax transmission from Deputy Commissioner, Operations Support to all regional commanders, May 4, 1998.

¹⁶ Special Rapporteur for the former Yugoslavia, Elisabeth Rehn indicated, in her October 15, 1997 report to the U.N. Commission on Human Rights, that the estimated number of RS police officers could be as high as 50,000. E/CN.4/1998/13, part VIII(B). An IPTF spokesman, Alex Ivanko, indicated that the true number may be much lower while acknowledging that such a number may be impossible to verify. "I've tried to pin it down, what is the exact number of RS police, and I'm getting very, very different numbers. Initially, we assume it's up to 20,000. We think now it's probably less; ballpark figure, 13,000-14,000, which includes regular police, as well as Specialist Police units." NATO/SFOR Transcript of Joint Press Conference at the Holiday Inn, Sarajevo, October 26, 1997.

¹⁷ Human Rights Watch/Helsinki, "Bosnia and Hercegovina: The Unindicted: Reaping the Rewards of 'Ethnic Cleansing'," *A Human Rights Watch Report*, vol. 9, no. 1, January 1997, pp.37-8. This refusal to provide comprehensive lists explains the discrepancy between the IPTF's estimate of as many as 20,000 police officers in the Republika Srpska and the official

was not until September 24, 1997, that the authorities of the Republika Srpska signed an agreement in which they committed themselves to the restructuring process. As the Republika Srpska agreement is based to a large extent on the Petersberg agreement, it is worthwhile to outline here the basic elements of the Republika Srpska and the Bonn-Petersberg agreements.

The April 25, 1996 agreement on restructuring the police of the Federation, signed in Bonn-Petersberg, Germany, provides basic principles for 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 that:

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.¹⁸

Under the terms of the agreement and subsequent instructions issued by the IPTF commissioner, all police officers are required to reapply for their jobs. The application process begins with the submission of lists of candidates from local authorities,¹⁹ specifically the cantonal ministries of internal affairs.²⁰ Candidates are required to fill out a questionnaire that covers aspects of their professional and personal background, and then are given a test administered by the IPTF that covers a range of professional issues, as well as a psychological test. The names of those officers who successfully negotiate this process are placed on the eligibility list. A total of 11,500 posts were eventually supposed to be filled.

This list of candidates is then supposed to be published in newspaper ads, encouraging people with additional information about the candidates to contact the IPTF. The purpose of this publication is to notify victims of police abuses and to encourage them to come forward with any information that may affect the status of a candidate. Candidates who are not screened out at this stage then receive IPTF-provided identification and new uniforms and begin a year-long probation period, during which they may still be removed from the police force, should any incidents, both past and new, of human rights abuse or noncompliance with the Dayton agreement arise.²¹ Finally, the IPTF is supposed to conduct a background check of all candidates on the list. On the IPTF's recommendation, a police officer must be denied admission to the force.²² The Bonn-Petersberg agreement stipulates that individuals not selected for admission into the force will not be allowed to perform law enforcement duties or carry arms.²³

The IPTF's background investigations are supposed to determine whether or not each candidate for police officer has committed human rights violations during the war and since the Dayton agreement, including during the IPTF's tenure in Bosnia and Herzegovina. Commissioner's Guidance and Commissioner's Guidance Notes, two documents issued by then Commissioner Peter Fitzgerald in Sarajevo in May 1996, spell out the basic elements of implementing the restructuring agreement signed in Bonn. The minimum criteria for applicants include the following:

¹⁸ "The Agreement on Restructuring the Police, Federation of Bosnia and Herzegovina," Bonn-Petersberg, April 25, 1996.

¹⁹ Human Rights Watch interview with Earl Patrick Harrison, IPTF Background Investigation Unit, Sarajevo, July 17, 1997.

²⁰ Human Rights Watch interview with Adi Gross and Fritz Schwindt, IPTF Local Police Development, Sarajevo, October 15, 1997.

²¹ This process was described in considerable detail by most of our interview subjects, including Martin Barber, deputy special representative of the secretary-general, Sarajevo, October 14, 1997; Adi Gross and Fritz Schwindt, IPTF Local Police Development, Sarajevo, October 15, 1997; IPTF Commissioner Manfred Seitner, Sarajevo, October 15, 1997; and numerous field officers and station commanders. There is a complete written description as well. See IPTF Commissioner Peter Fitzgerald, "Commissioner's Guidance For Democratic Policing in the Federation of Bosnia-Herzegovina," UNMIBH, IPTF, Sarajevo, May 1996, p. 5; and IPTF Commissioner Peter Fitzgerald, "Commissioner's Guidance Notes For Democratic Policing in the Federation of Bosnia-Herzegovina," UNMIBH, IPTF, Sarajevo, May 1996, pp. 28-9.

²² Human Rights Watch 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.

²³ Paragraph 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."

- 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 the U.N. IPTF for noncompliance.²⁴

In addition to the data regarding applicants' wartime past, the background materials against which the IPTF screens local police forces include information regarding officers' conduct since the peace accords: the so called noncompliance reports, which document refusals of local police officers to cooperate with the IPTF as required by the Dayton agreement and the Petersberg agreement and the results of the IPTF's own human rights investigations.

The process of testing and readmission of police officers is currently near completion in the Federation, where it is being conducted canton by canton and has been completed in all except two. In the Republika Srpska, this process has only recently begun, but is to be carried out in all the Public Security Centers of the RS Ministry of Internal Affairs.

The conclusions of the 1996 London Peace Implementation Conference reflect the importance of the vetting process, as set forth in the Petersberg agreement and the commissioner's subsequent instructions. The conference welcomed

the undertaking of the authorities in Bosnia and Herzegovina to restructure local police forces in line with democratic principles and plans prepared under the guidance of the IPTF...[and] the agreement of the authorities in Bosnia and Herzegovina to accelerate vetting of police officers and to take prompt and effective action in respect of any officer who is notified to them by the IPTF Commissioner as failing to cooperate with the IPTF or failing to adhere to democratic policing principles.²⁵

The Principles of Police Restructuring in the Republika Srpska, signed on September 24, 1997, by representatives of the Republika Srpska and the IPTF, mirrors the Bonn-Petersberg agreement in its description of the vetting process. As set forth in the Bonn-Petersberg agreement, the restructuring process in the Republika Srpska is established in accordance with Annex 11 of Dayton agreement, in which the Republika Srpska as a party requested that the U.N. establish the IPTF, in order "to assist [the Republika Srpska] in its obligation to provide a safe and secure environment for all persons by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms."²⁶ One major difference between the Republika Srpska agreement and the Petersberg Agreement is that the Republika Srpska agreement provides for a police force that reflects current ethnic divisions in the post-war population, as opposed to the Bonn-Petersberg Agreement, which requires ethnic percentages in the police force to reflect the area's pre-war population. It is arguable that the Republika Srpska agreement encourages intransigence to the return of refugees, as any change in the balance of the population in Republika Srpska will require changes in the police force to match.

²⁴Fitzgerald, "Guidance Notes."

²⁵ U.N. Doc. S/1996/1012, paragraph 76.

²⁶ Principles of Police Restructuring in the Republika Srpska, Belgrade, September 24, 1997, paragraph 1.

The restructuring agreement with the Republika Srpska limits the number of RS police officers to 8,500, a reduction from the estimates of between 10,000 and 50,000 officers on the force as of October 15, 1997.²⁷ The agreement goes on to describe the certification process, which is to begin immediately. Individuals interested in becoming or remaining police officers are required to submit an application through the Ministry for Internal Affairs, to be forwarded to the IPTF for review, or to apply at a two-day information seminar to be organized jointly by the IPTF and individual RS stations. Applicants must then pass a written exam testing their knowledge of police skills and an internationally accepted psychological test. Applicants who pass both tests must attend two days of initial training by the IPTF on internationally accepted democratic policing standards.

The names of candidates who have passed the exams and completed the necessary training are to be published in newspapers and “applicants become ineligible to serve as RS police officers if substantiated complaints are made that indicate their behavior does not conform to democratic policing principles.” The names of all eligible applicants are also to be checked by the ICTY and “any applicant under investigation for human rights abuses by the ICTY will be ineligible to become a police officer.”²⁸ Finally, the agreement states that any applicants with a “history of human rights violations or of preventing the IPTF from carrying out its mandate” will also be ineligible to become police officers.²⁹ Republika Srpska authorities will issue IPTF-produced temporary identification cards—good for one year—to candidates chosen to be police officers. These cards may be revoked if, during that year, the IPTF’s thorough background check of each officer reveals continuing or previous human rights violations or other failures to comply with internationally accepted policing standards. The agreement indicates that all RS police officers will have to participate at a later date in an expanded IPTF training program in addition to the two-day training required as part of the certification process.³⁰

Human Rights Investigations

Then Special Representative of the Secretary-General Kai Eide addressed the importance of a democratic police force to the creation of a human rights culture in Bosnia and Hercegovina in a November 1997 press briefing. He stated that what the IPTF is trying to achieve is “to ensure that each and every citizen in Bosnia-Herzegovina will have a democratic police that serves the public without discrimination, and which is not an instrument of individual politicians, or political parties. The most important is to see that human rights are being respected without regard to ethnic or religious belongings.”³¹ Clearly however, the ability of the international community to create a democratic police force that supports such a culture is undermined by the ongoing presence and influence of police officers who commit human rights abuses. The Security Council recognized this dilemma, and followed up on Secretary-General Kofi Annan’s concern, passing Resolution 1088 to empower the IPTF to take a more active role in protecting human rights through independent human rights investigations of police abuses.

²⁷ E/CN.4/1998/13, part VIII(B).

²⁸ *Ibid.*, paragraph 9.

²⁹ *Ibid.*

³⁰ *Ibid.*, paragraph 10.

³¹ NATO/SFOR Transcript of Joint Press Conference at the Coalition Press Information Center/Tito Barracks, Sarajevo, November 21, 1997.

However, in an interview with Human Rights Watch, then IPTF Commissioner Manfred Seitner presented a view of the IPTF's role that did not reflect the U.N. leadership's decision to expand the IPTF's mandate. He argued that the IPTF was not supposed to conduct independent investigations into allegations of human rights abuses by the police. Instead, he stated that it was the IPTF's primary responsibility to monitor the response of the local police to such allegations, because the IPTF was trying to train the local police to be able to take complaints and handle them properly.³² Furthermore, in his view, IPTF monitors, when approached by a civilian with a report of a human rights violation by the local police, were first required to take that individual to the local police to report the incident. He concluded that if an individual was unwilling to report the incident to the police, there would be no investigation and consequently no case.

Even the original mandate established by Resolution 1035 was not always construed so narrowly. The IPTF's instructions on interpretation of the mandate under Resolution 1035 defined monitoring as "active engagement of policing and criminal justice activities throughout the country," requiring monitors to "intervene in situations when the police are observed to be violating internationally-accepted principles of policing." The instructions further emphasized the need for "careful documentation...and reporting of violations of international policing standards and human rights standards" by the IPTF.³³

In a written profile of police monitors, produced by the office of the IPTF commissioner in Sarajevo, the duties of police monitors included "interviews [of] arrested/detained persons to determine whether basic human rights are being respected," and required monitors to "[assist] citizens who express concerns about policing and criminal justice activities and may be afraid to directly contact local police." The profile went on to state that "when violations of internationally accepted policing standards or human rights standards is [sic] observed, [monitors must advise] police of [the] violation and ...how to correct their actions, documenting all observations in official reports...and [assist] in the conducting of some police human rights investigations."³⁴ Even Republika Srpska authorities at the time acknowledged that the IPTF had the authority "at any time to visit prisoners and detainees to talk to them, that is...without anyone being present, if they request...[without] previous announcement;...to appear in any of the courts during trial...[or] visit...any of our institutions for the implementation of law (Courts, Institutions for Social Behavior) [without] previous permission of [the] Ministry of Justice;...[and] whenever they ask...to be given [a] copy of [court] records, adjudications,...exact time and place of those proceedings, etc."³⁵ Thus, even at this stage, IPTF human rights investigations, conducted independently of the local police, would have been a reasonable and natural component of the IPTF's program, set forth to fulfill its mandate.

Commissioner Seitner's view, expressed in the fall 1997, is particularly troubling, given that the IPTF's mandate was revised in December 1996, to make clear that human rights investigations are not only permitted, but are one of the IPTF's primary responsibilities. This effort to downplay the IPTF's expanded powers and responsibilities is obviously not limited to the commissioner, but is reflected down the chain of command in the views and actions of many IPTF representatives that Human Rights Watch interviewed during our mission. That view is also reflected in the latest report of the secretary-general, which states that "the work of the UNMIBH Human Rights Office is mainly aimed at ensuring that human rights investigations are conducted properly by the local police. IPTF monitors and non-

³² Human Rights Watch interview with IPTF Commissioner Manfred Seitner, Sarajevo, October 15, 1997.

³³ "Organization, Role and Tasks," UNMIBH, IPTF, May 25, 1996, pp. 4-5.

³⁴ Office of the IPTF Commissioner, "Position Description for Police Monitor," in Requested Contingency Competencies for Contributors, UNMIBH, IPTF, Sarajevo, March 1997.

³⁵ Minister Marko Arsovic, Republika Srpska Ministry of Justice, "Memo to Magistrates of Higher Courts, Magistrates of Courts, Magistrates of Criminal Proceeding Courts, and Institutions for Social Behaviour (Prison)," Pale, April 22, 1996.

police human rights staff therefore mainly initiate, assist and monitor investigations by local police. They undertake independent investigations only as a last resort."³⁶

IV. IMPLEMENTATION OF THE IPTF'S MANDATE

Police Restructuring

Arguably the single most important task for the IPTF is to facilitate the creation of a new police force from which human rights abusers have been excluded; one that serves to protect all persons in Bosnia and Hercegovina from crime and human rights abuses. Certainly, the IPTF mandate identifies this process as one of its priorities, envisioning a radical departure for Bosnia and Hercegovina's police from their communist, authoritarian, and wartime past. Then IPTF Commissioner Peter Fitzgerald wrote that:

³⁶ U.N. Document S/1998/227, paragraph 21.

Every police officer has the opportunity to facilitate or impede democracy. For Bosnia-Herzegovina, the police must realign their missions from the protection of the state to the protection of citizens' rights. Service to the public must become the police's calling....A democratic police force is not concerned with people's beliefs or associates, their movements or conformity to state ideology...Instead, the police force of a democracy is concerned strictly with the preservation of safe communities and the application of criminal law equally to all people, without fear or favor.³⁷

The IPTF has acknowledged the importance of restructuring the Bosnian police and has a clear mandate to do so. And all this is, admittedly, not a simple task. As a high level U.N. official noted in an interview with Human Rights Watch, "following the war, it is difficult to find angels among the police force."³⁸ The IPTF has taken several positive measures which have contributed to the degree of measurable and substantive progress that the vetting process has achieved. For several months, the IPTF placed a number of its own personnel at the Hague, for purposes of more effective coordination with the ICTY. As of Human Rights Watch's October 1997 visit, no IPTF personnel were at the ICTY.³⁹ As of May, we were told that the IPTF Local Police Selection and Training Section (which incorporates the Certification and Background Investigation Units) was exploring the possibility of placing one or two IPTF monitors at the Hague, to work for three month shifts on coordination of background information between the IPTF and the ICTY regarding police officer candidates. This arrangement could be in place as soon as early summer 1998.⁴⁰ At one point, the IPTF circulated a questionnaire seeking information regarding the human rights histories of police candidates to local NGOs; it has run ads in newspapers to notify the public of identities of police applicants and seek background information from citizens. Yet, over the last year, the IPTF has failed to vigorously implement its police restructuring mandate, experiencing serious yet avoidable setbacks over the last year due to practical gaps in the application processes; deficiencies in the effort to publish candidate lists in newspapers; the irregular collection of vital candidate information and poor record-keeping; poor flow of crucial information among units within headquarters and between headquarters and the field; inconsistent application of the IPTF's own instructions regarding noncompliance and human rights investigations; and institutional memory lapses within the IPTF—in sum a reflection of a lack of resolve to overcome serious obstacles to the implementation of the vetting aspect of the mandate.

Submission of Applications to the IPTF

³⁷ Fitzgerald, "Guidance Notes," pages 1-2.

³⁸ Human Rights Watch interview, Sarajevo, October 14, 1997.

³⁹ Human Rights Watch interview with Adi Gross and Fritz Schwindt, IPTF Local Police Development, Sarajevo, October 15, 1997; Human Rights Watch interview with IPTF Commissioner Manfred Seitner, Sarajevo, October 15, 1997; Human Rights Watch interview with Earl Patrick Harrison, IPTF Background Investigation Unit, Sarajevo, November 6, 1997. As of February 5, 1998, the IPTF has not placed any personnel in the Hague again. Human Rights Watch telephone interview with IPTF representative in Sarajevo, February 5, 1998.

⁴⁰ Human Rights Watch telephone interview with the IPTF Background Investigation Unit, Sarajevo, May 13, 1998.

One of the IPTF's tactical mistakes related to the initial job application process was to authorize cantonal interior ministries to be the sole recipient of job applications for the new local force.⁴¹ (The only exception is the town of Brcko, which has been placed under international arbitration and is therefore not yet determined to be part of the Republika Srpska or the Bosniak-Croat Federation. On October 27, 1997, the IPTF announced that it would be accepting applications directly from anyone interested in joining the Brcko police.)⁴² As a result, local authorities tend to submit only as many candidates as there are available positions, and not necessarily the best candidates, for political reasons. This approach presents problems early in the vetting process because it makes it politically difficult for the IPTF to reject unqualified candidates when to do so would likely have the effect of reducing the size of the police force below the level agreed upon in the Petersberg agreement and the parallel Republika Srpska agreement. Moreover, having a pool of applicants larger than the available slots would allow the IPTF to select the best candidates rather than simply eliminate the worst, thus avoiding additional political and legal difficulties.

Newspaper Publication of Candidate Lists

In two 1996 reports, Human Rights Watch endorsed the idea of seeking information on the human rights records of police candidates through the publication of their names by the local media, such as in newspaper ads.⁴³ The publication of candidates' names, especially in areas where large refugee populations live, is a potentially effective means of acquiring relevant background information.

However, despite statements that newspaper ads were placed for all of the cantons where police officers have been temporarily certified, the IPTF has seemingly placed very few of these ads.⁴⁴ After several inquiries at Sarajevo regional headquarters we were eventually directed to the planning unit for the necessary records. The planning unit at first could only verify one location and date, and then later, a second.⁴⁵ According to one IPTF representative interviewed by Human Rights Watch, there have been few ads in part because some newspapers in Croat-controlled areas of Bosnia and Hercegovina have refused to place the ads.

⁴¹The idea of compilation of potential officer lists by the ministries is suggested in "Vetting Tasks for Cantonal Police," the product of a meeting in the Federation, held on June 14, 1996. This document refers to the responsibility of the cantonal police and presumably their superiors at the Ministry of the Interior, for determining the number of eligible candidates and steering them through the application process. This process is explicitly described in the IPTF restructuring agreement with the Republika Srpska, Principles of Police Restructuring in the Republika Srpska, paragraph 9, which states that "individuals who wish to serve as police officers shall submit an application through the Ministry for Internal Affairs which will forward the application to the IPTF for review... ."

⁴² NATO/SFOR Transcript of Joint Press Conference at the Holiday Inn, Sarajevo, October 27, 1997.

⁴³ Human Rights Watch/Helsinki, "Bosnia-Hercegovina: The Continuing Influence of Bosnia's Warlords," *A Human Rights Watch Report*, vol. 8, no. 17(D), December 1996, p. 5; Human Rights Watch/Helsinki, "Bosnia-Hercegovina: No Justice, No Peace," *A Human Rights Watch Report*, vol. 8, no. 15(D), p. 3.

⁴⁴ Human Rights Watch interviews with Special Representative of the Secretary-General Kai Eide, Sarajevo, October 14, 1997; Fritz Schwindt and Adi Gross, Local Police Development, Sarajevo, October 15, 1997; IPTF Commissioner Manfred Seitner, Sarajevo, October 15, 1997; Hakki Turcer, Background Investigations Unit, Sarajevo, October 15, 1997; Albert Hopkins, Local Police Development, Mostar, October 16, 1997. All of these interviewees referred to the newspaper ads as an element of the vetting process.

⁴⁵Human Rights Watch interviews, Sarajevo regional headquarters, October 20, 1997 and November 6, 1997.

According to Earl Patrick Harrison, then head of the Background Investigation Unit of the IPTF, as of November, there have been only between fifty and one hundred responses to the ads and these have been added to the background information used to screen police officers from the force.⁴⁶ However, the IPTF has overall not made an effort to use even these ads in the most effective way for the purpose of screening out of human rights violators. All but two of the two dozen IPTF monitors in the field, whom Human Rights Watch interviewed, had no recollection of these ads ever having run and had not received any instructions regarding how to proceed should they receive any information from members of the public regarding officer candidates.⁴⁷ This in part is due to a lack of continuity in the IPTF's institutional memory, resulting from high turnover among monitors whose missions lengths run from six months to a year, frequent transfers within the IPTF system in Bosnia and Hercegovina, and the rapid evolution of the institution itself. However, there appears to be no effort to inform monitors in the field about the purpose of the ads and the procedure for acting upon information received as a result from members of the public. There seems to be little familiarity with the stated intention and purpose of placing candidates' names on the public record through the press, even at the headquarters level.

The newspaper ads can only really serve their purpose when they are deliberately targeted to reach the most people with the most information, such as refugees who lived in the same area as police candidates and were "ethnically cleansed," at times by those very police officers. The ads, however, only ran in areas where the police officers whose names were on each list were to be deployed. The lists should be made available to large groups of refugees, many of whom are internally displaced within Bosnia and Hercegovina, or who fled the area and who currently comprise large refugee communities in Croatia, the Federal Republic of Yugoslavia, Germany, Switzerland and other European countries.

Even worse, there have also been no ads since October 1997, according to the IPTF representative interviewed, because the IPTF decided to wait and publish ads with the full list of police candidates for all of Bosnia and Hercegovina, and to date, a complete list is not available because Croat-dominated cantons 8 (Ljubuki) and 10 (Livno) have not been inaugurated, due to disputes over uniforms, minority representation on the police force, and the appointment of cantonal deputy ministers from the Bosniak minority.⁴⁸ This decision appears particularly problematic. By waiting as long as ten months for the publication of the lists, IPTF severely reduces the possibility to act upon the information received from the public as a result of the ads during the twelve month probationary period that follows a candidate's initial certification. This will make the removal of officers identified as human rights abusers much more complicated and perhaps, in some cases, nearly impossible.

Noncompliance Reports

Noncompliance reports can constitute a powerful tool in the hands of the IPTF. Annex 11 of the Dayton agreement states that:

"Any obstruction of or interference with IPTF activities, failure or refusal to comply with an IPTF request, or other failure to meet the Parties' responsibilities or other obligations in this Agreement, shall constitute a failure to cooperate with the IPTF."⁴⁹

⁴⁶ Human Rights Watch interview with Earl Patrick Harrison, IPTF Background Investigation Unit, Sarajevo, November 6, 1997.

⁴⁷ Human Rights Watch interviews with IPTF monitors, October 19-20, 1997.

⁴⁸ Human Rights Watch telephone interview with Lucien Bart, IPTF Local Police Planning and Logistics Support Section, May 12, 1998.

⁴⁹ Dayton agreement, Annex 11, Article IV(1), U.N. Doc. S/1995/999.

The subsequent Guidance Notes for Democratic Policing in the Federation of Bosnia-Herzegovina clearly state that to qualify for police employment, an applicant must not be the subject of any official complaints from the IPTF for non-compliance.⁵⁰

Noncompliance reports thus perform several functions. They can indicate to what degree local authorities are adhering to all aspects of the peace agreement. Reports of a police officer's noncompliance should also constitute an important element of the preliminary vetting process as well as serving as grounds for removal of officers from the police force, where preliminary vetting has already taken place and the officers are in the midst of their one-year probationary period.

⁵⁰ Fitzgerald, "Commissioner's Guidance," p. 28.

The importance of noncompliance reports is reflected in a memo from then IPTF Commissioner Seitner to all IPTF monitors, which states that when an IPTF monitor encounters local law enforcement officers who “are actively involved in blocking or interfering with the application of the mandate for the United Nations Mission in Bosnia and Hercegovina, the IPTF monitor has a duty and obligation to document and report this situation, through the chain of command, to mission headquarters.”⁵¹ Further, the memo states that “Any violation by law enforcement personnel of...Annex 4, annex 6 and Annex 11 of the [Dayton] agreement constitutes an act of non-compliance” and that “law enforcement personnel include police officers, judges, prosecutors, [and] municipal housing authorities or other similar governmental units that enact decisions with legal consequences.”⁵² The memo sets out detailed procedures for determining when noncompliance has occurred and how it should be reported. The station commander is responsible for ensuring that all monitors are familiar with the noncompliance reporting procedures and guidelines, and at the regional level, regional commanders are responsible for monitoring the status of noncompliance incidents and ensuring that every incident is investigated and a complete follow-up is conducted.

In practice, however, only two of the two dozen monitors Human Rights Watch interviewed were aware of this memo, and were able to produce this and other documents which describe the IPTF’s noncompliance procedure. While most monitors indicated an awareness that a written noncompliance procedure probably existed, they generally were not familiar with it. Furthermore, most IPTF monitors interviewed were unaware that, as per Commissioner Seitner’s instruction, the term law enforcement personnel was to be interpreted broadly, so as to include more than just police officers.⁵³ Some IPTF monitors whom Human Rights Watch interviewed stated that they had not filed any noncompliance reports at all and so were unfamiliar with the procedure.⁵⁴ To some degree, the lack of noncompliance reports also reflects a real reticence, evident in interviews with IPTF monitors, to write noncompliance reports for fear of spoiling relations with local police.⁵⁵

⁵¹ IPTF Commissioner Manfred Seitner, “Operational Bulletin 0007: Non-Compliance Reporting Procedures,” September 11, 1997, p. 1.

⁵² Ibid.

⁵³ Human Rights Watch interview with Anthony Parker, IPTF Non-compliance Office, Sarajevo, October 22, 1997.

⁵⁴ Human Rights Watch interviews with IPTF monitors, October 17, 19, and 21, 1997.

⁵⁵ Human Rights Watch interview with IPTF monitors, October 17, 1997 and October 19, 1997.

We heard complaints from IPTF representatives in the Sarajevo headquarters that noncompliance reports are often badly written⁵⁶ and must be returned to the local IPTF monitors for more detailed information, and it can take months to get a response from them.⁵⁷ On the other hand, many of the IPTF monitors who did file noncompliance reports complained that they had filed the reports with regional or headquarters representatives but had never received any feedback or seen results as far as possible censure of the responsible local police officers. IPTF monitors in over half of the locations where Human Rights Watch conducted interviews voiced complaints about the “black hole” of the noncompliance system: reports went in but results rarely if ever came out.⁵⁸

Noncompliance reports are an especially crucial tool in the work of the IPTF because they constitute the only sanction the IPTF can apply in the face of on-going acts of noncompliance by the local police. Almost all of the monitors whom Human Rights Watch interviewed gave accounts of such acts. U.N. police inquiries for information and assistance from local police are usually met with obstacles and hostility. Good relations with the local police, as one monitor described them, did not extend beyond superficial pleasantries over coffee. As soon as he attempted to collect information for purposes of monitoring, he was threatened and denied access to materials.⁵⁹ This particular monitor had filed two noncompliance reports on the local chief of police, but as far as he knew, the chief was never sanctioned for his behavior.⁶⁰

IPTF monitors in another town also acknowledged that local police cooperation with the IPTF looked good from afar, but in reality, the police frequently failed to conduct any serious investigation into crimes or human rights abuses and often closed cases without having identified the perpetrator or having made serious efforts to do so. As one monitor concluded, “statistically, it looks great what we do, but realistically, nothing has been accomplished.”⁶¹ Another IPTF monitor reported that the local police never notified the IPTF about upcoming official forcible house evictions, even though the IPTF is supposed to be present.⁶²

The local police often do not take the IPTF seriously, as their actions in flagrant violation of the Dayton agreement hardly ever result in negative consequences. Two incidents in particular, which took place in Central Bosnia, provide an illustration: on June 26, 1997, a Bosniak man visited the local police on behalf of his family, in an attempt to register them as returnees. The duty officer, who refused to register the returnee, stated that the “IPTF is temporary and we are here to stay” and that after the IPTF was gone, he would personally escort the returnee out of town. In a similar incident that same day, two local police officers placed two women returnees on a bus leaving town, and when the women returned the next day, the police escorted them to the bus for the second time.⁶³ While the IPTF

⁵⁶ Human Rights Watch interview with Adi Gross and Fritz Schwindt, IPTF Local Police Development, Sarajevo, October 15, 1997; Human Rights Watch interview with Anthony Parker, IPTF Non-Compliance Office, Sarajevo, October 22, 1997.

⁵⁷ Human Rights Watch interview with Hakki Turcer, IPTF Background Investigation Unit of the IPTF, Sarajevo, October 15, 1997.

⁵⁸ Human Rights Watch interviews with IPTF monitors, October 17-21, 1997.

⁵⁹ Denial of access to investigatory material directly contravenes the Dayton agreement, which states that “[the Parties] shall allow IPTF personnel immediate and complete access to any site, person, activity, proceeding, record or other item or event...” Dayton agreement, Annex 11, Article IV(3), U.N. Doc. S/1995/999.

⁶⁰ Human Rights Watch interview with IPTF monitor, October 21, 1997.

⁶¹ Human Rights Watch interview with IPTF monitors, October 21, 1997.

⁶² Human Rights Watch interview with IPTF monitor, October 18, 1997.

⁶³ Human Rights Watch interview with IPTF monitors, October 18, 1997.

monitors in these situations filed noncompliance reports for the local police officers involved, at the time of Human Rights Watch's October 1997 mission, the monitors had not received any feedback from IPTF headquarters and otherwise had no indication that the local police involved were censured.

Only more recently did the IPTF monitors in that town learn of any impact of their noncompliance reports: the three local police officers involved were given verbal warnings by their superior officer.⁶⁴ This case, however, ultimately demonstrates the potential effect that the system of monitoring noncompliance could exercise over abusive and non-cooperative members of Bosnian law enforcement, if reports were regularly written, and if the IPTF responded to the information in these reports in a timely and systematic way. The IPTF monitors documented the verbal admonishment of the superior officer, and other similar examples, in order to demonstrate a pattern of noncompliance with the Dayton agreement on the part of the superior officer. This evidence was used at the superior officer's trial, related to a separate event, and the officer was subsequently fired.⁶⁵

Our own experience also points to problems in information flow. When a Human Rights Watch researcher requested information on past instances of police abuse and noncompliance with the Dayton agreement in a town the organization was investigating in early 1998, the chief of the Human Rights Office indicated that he could not provide information regarding past cases in the town under study.⁶⁶ The integration of information on human rights abuses and noncompliance cases—already accumulated within the Sarajevo headquarters and still flowing in from the field—into a working system of transmitting and applying that knowledge, was apparently lacking.

An effective system of noncompliance reporting can serve as a tool to rid the local police of its worst abusers and as a deterrent for others. However, optimum utilization of the noncompliance reports requires comprehensive reporting by IPTF monitors in the field, followed by careful compilation of the reports and efficient coordination between the noncompliance officer in IPTF headquarters, the Background Investigation Unit, the operations division of the IPTF and the IPTF commissioner, who evaluates noncompliance records in order to make recommendations about individual officer certifications.⁶⁷ Only in this way can patterns of abusive behavior be discerned and applied to the vetting process in a systematic and productive manner.

Despite the system's deficiencies, some results have been achieved in the vetting process with the aid of noncompliance reports. As of August 1, 1997, for example, fourteen officers had been removed from their positions, ten were pending removal or noncertification, fourteen had been recommended for removal, and ten more were submitted for action.⁶⁸ By November, according to Earl Patrick Harrison of the Background Investigation Unit, around forty officers had been denied certification due to background checks, including reference to noncompliance reports, and around 280 were under investigation.⁶⁹ However, despite the fact that IPTF monitors have been authorized to write noncompliance reports since 1996, IPTF headquarters currently only has reliable access to reports written after May

⁶⁴ According to one of the IPTF monitors involved, the local police officers were only verbally admonished because they denied the allegations. Human Rights Watch telephone interview with IPTF monitor, February 5, 1998.

⁶⁵ Human Rights Watch telephone interview with IPTF monitor, February 9, 1998.

⁶⁶ Human Rights Watch interviews with Claudio Cordone, Chief of the IPTF Human Rights Office, Sarajevo, January and February 1998.

⁶⁷ Human Rights Watch interview with Earl Patrick Harrison, IPTF Background Investigation Unit, Sarajevo, November 6, 1997.

⁶⁸ IPTF Commissioner Manfred Seitner, "Memo to all IPTF monitors on non-compliance procedures," UNMIBH, IPTF, Sarajevo, August 1, 1997.

⁶⁹ Human Rights Watch interview with Earl Patrick Harrison, IPTF Background Investigation Unit, Sarajevo, November 6, 1997.

1997. According to Anthony Parker, the IPTF's Non-Compliance Officer at the time of Human Rights Watch's interview, the computer database was not set up until May 1997. None of the reports filed before that date have been entered into the database and these records apparently cannot be accessed.⁷⁰

⁷⁰ Human Rights Watch Interview with Anthony Parker, IPTF Non-Compliance Office, Sarajevo, October 22, 1997.
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The chief of the Background Investigation Unit also reported that, while some noncompliance reports written before May 1997 might be in the files of individual local police officers, generally, referral to all of these noncompliance reports is not a regular part of the unit's work. While it is unclear how many reports were filed prior to May 1997, one example illustrates the potential implications for the vetting process if they are indeed lost. As of January 1997, there were eleven noncompliance cases reported in west Mostar alone, involving thirty-two police officers and eight noncompliance cases involving twelve police officers in the remaining Croat-controlled portions of the Neretva canton, mostly in Stolac and Prozor.⁷¹ If these reports cannot be incorporated into the vetting process, forty-four individuals whose actions under Dayton would have justified their removal from the force could remain police officers in this canton alone.

As of May 1998, the IPTF is in the process of developing a new approach to the accumulation of noncompliance information within the Background Investigation Unit, to replace the function of the noncompliance officer, a post which is currently unfilled and which is being phased out. The new chief of the Background Investigation Unit is also making strides towards evaluating and categorizing the vast amount of information that has been funneled into his unit for purposes of informing background investigations.⁷² However, until that approach is established, which is anticipated in early June, and until the computer database files are updated, noncompliance reports are likely to remain seriously underutilized in the system of background investigations and local police certification.⁷³

Human Rights Investigations

The expansion of the IPTF's mandate in December 1996 to include investigations of human rights violations by law enforcement personnel was an important step. Because so many human rights abuses have been committed by police, serious investigations by the IPTF, followed by disciplinary and, when necessary, prosecutorial action, can dramatically improve the overall human rights situation in the country. Human rights investigations of violations allegedly committed by police officers also provide additional material for background checks meant to help eliminate human rights abusers from the local police.

The significance of regular human rights investigations cannot be overestimated. If every serious human rights violation is documented in an incident report, as is required, and the results are regularly compiled and coordinated with the work of the IPTF's Local Police Selection and Training Section (including the Certification and Background Investigations Units), they can provide an invaluable tool for removing human rights abusers from the police force. This in turn would set an example for the remaining local police officers and demonstrate to them a clear cause-and-effect relationship between abusive policing and censure or loss of employment.

⁷¹ Human Rights Watch interview, June 1997.

⁷² According to the chief of the unit, the unit has records, based on incident reports, of 690 human rights and noncompliance incidents in the Federation, and 404 incidents in the Republika Srpska, in the period from May 8, 1997 through May 8, 1998. There are individual files on 798 officers. Human Rights Watch telephone interview with the IPTF Background Investigations Unit, May 21, 1998.

⁷³ Human Rights Watch telephone interview with IPTF monitors, May 9 and 13, 1998.

The process of implementing the IPTF's human rights mandate has been slowed by a series of bureaucratic and organizational delays, inherent in the way the U.N. operates. Although Resolution 1088 was passed in December 1996, the Security Council did not formally approve the 120 additional police monitors needed to conduct human rights investigations until May 1997.⁷⁴ Claudio Cordone, who heads the Human Rights Office of the IPTF in Sarajevo, only took up his post in late July 1997.⁷⁵ At the time of Human Rights Watch's mission to Bosnia and Hercegovina in late October, his unit was still awaiting the arrival of the approved additional monitors in order to begin its work.⁷⁶ In the interim, a few ad hoc human rights investigations were carried out by the operations division of the IPTF. Since then, the Human Rights Office has been established, officially as of October 31, 1997, with its headquarters in Sarajevo, and a complement of sixty-four of these monitors assigned at the local level, and seven regional headquarters, each with a human rights coordinator, a chief human rights investigator, and five human rights officers.⁷⁷ As of May 20, 1998 these numbers looked as follows:

62 stations X 1 officer	62 officers
7 regional centers X (1+1+5)	49 officers
Sarajevo Headquarters	8 officers ⁷⁸

When examining the IPTF's implementation of its human rights investigative mandate, it is important to focus more closely on the local IPTF station monitors. The monitors who work at the local level with the police have the most frequent and immediate access to members of the community. Because of their visibility and their mobility, station monitors are often the first to become aware of an incident or are approached by members of the community with complaints about local police abuse. Their pivotal role in human rights investigations is described in an IPTF operational bulletin: "It is incumbent on each IPTF member to be aware of their responsibilities under the mandate and to recognize human rights violations when such events are witnessed or are reported by complainants at IPTF stations."⁷⁹ After Human Rights Watch interviews with two dozen IPTF monitors, however, it became clear that monitors are not provided with sufficient training in order to be able to conduct human rights investigations and this makes it difficult for them to meet their mandate obligations.⁸⁰

For example, despite what is stated in the Operational Bulletin quoted earlier, there is a definite lack of clarity among U.N. monitors as to what constitutes a human rights violation. This gap was evident in interviews with Human Rights Watch, during which we received responses ranging from shrugs to "everybody knows what that means," or "every case is a human rights case," but where only one monitor was aware of Operational Bulletin 0001, which

⁷⁴ U.N. Doc. S/RES/1107 (1997).

⁷⁵ The chief of human rights heads up the Human Rights Office and is essentially responsible for overseeing the fulfillment of the IPTF's expanded mandate under Resolution 1088. However, the chief of human rights is not technically part of the IPTF chain of command. Rather, he is deputized to the special representative of the secretary-general, Ambassador Kai Eide, and answers more informally to IPTF Commissioner Manfred Seitner. Human Rights Watch interview with Claudio Cordone, chief of the IPTF Human Rights Office, Sarajevo, October 13, 1997.

⁷⁶ Human Rights Watch interview with Claudio Cordone, chief of the IPTF Human Rights Office, Sarajevo, October 13, 1997.

⁷⁷ Cordone, telefax transmission, February 19, 1998; Human Rights Watch interview with IPTF representative, May 20, 1998.

⁷⁸ Human Rights Watch, May 20 interview in Sarajevo with an IPTF representative.

⁷⁹ Seitner, Operational Bulletin 0001, paragraph 2.5.

⁸⁰ Human Rights Watch interview with IPTF monitors, October 17-21, 1997.

describes “high profile violations” and refers monitors to human rights instruments which define various human rights.⁸¹

The experience of a Human Rights Watch researcher demonstrates the consequences of this lack of clarity on the effectiveness of the work of the IPTF. The researcher made numerous attempts over several months in 1997 to relay information to the IPTF regarding human rights violations allegedly committed by local police officers. This information was reported to Human Rights Watch by individuals in the course of interviews. However, most of the IPTF monitors the researcher approached were completely unprepared to accept information gathered from victims about alleged police abuses, writing the information down on tiny scraps of paper and having to be repeatedly reminded to take the names of the local police officers involved in the incidents.

⁸¹ Human Rights Watch interviews with IPTF monitors, October 17, 19, and 21, 1997.

Human Rights Watch also questioned monitors about the need to protect victims in the course of human rights investigations. Most were unable to address the problem of how victims of police abuse could be protected from retribution for having reported the original abuse. With a few notable exceptions, many monitors stated that it was standard procedure to accompany the victim to the local police station, for purposes of registering an official complaint, or to give the victim's name to the police.⁸²

To these monitors' credit, the dilemma of how to balance a victim's rights against the due process rights of the accused is a difficult one. It is also important to bear in mind that these are not areas of the law in which police officers anywhere in the world traditionally have much knowledge, training or experience. As former IPTF Commissioner Peter Fitzgerald stated, "Human rights protection is the core of the police mission around the world, yet it remains a much-misunderstood topic in even the most sophisticated police agencies."⁸³ However, this only underscores the urgent need for the substantive and updated human rights training that would give IPTF monitors the tools they need to answer such questions. Some United Nations training programs have been geared towards raising the awareness level of civilian police monitors regarding human rights issues. One such training session took place in Turin, Italy from October 8-24, 1997 and was sponsored by the UNHCR, the Department of Peace-keeping Operations, and the Office of the High Commissioner for Human Rights. However, of the nineteen member states invited to send police teams, only four actually participated.⁸⁴ This example demonstrates the gap in levels of preparedness among IPTF monitors, depending on whether they receive in-depth training in their home countries, before they depart for their missions in Bosnia and Hercegovina. The initial and ongoing training programs of the IPTF must be geared towards instilling in monitors a uniformly high level of practical knowledge. A Human Rights Watch interview with one monitor who recently underwent introductory training indicated that the IPTF's training program comes nowhere near to meeting that goal. According to the monitor interviewed, who had received extensive training prior to departure from his home country, the IPTF's program would have been "scary" without the benefit of that previous training. He noted, for example, that the IPTF's trainers didn't even know enough about the IPTF's evolving mandate to properly inform new IPTF monitors.⁸⁵

The apparent reluctance of many police officers to pursue evidence that might incriminate a fellow officer may also prove to be an obstacle to in-depth investigations of police abuses by the IPTF. One IPTF monitor summed up this dilemma, perhaps inadvertently, when he stated that "police officers know police officers because we're all basically the same, the world over."⁸⁶ Another IPTF monitor, interviewed about the frequency and the nature of complaints against local police received from civilians in the area where he was stationed, stated that people did, indeed, complain a lot, but that the local police were essentially "doing the right thing."⁸⁷ This reluctance to investigate other police will only be exacerbated by the lack of independence of the Human Rights Office's monitors at the station level. Many of these IPTF monitors will have to conduct and monitor human rights investigations in their area, in addition to their previous duties relating to local police development and maintaining good working relations with the local police. This heightened contradiction in loyalties may limit the scope of human rights investigatory work that is actually conducted.

⁸² Human Rights Watch interviews with IPTF monitors, October 18-21, 1997.

⁸³ Fitzgerald, "Guidance Notes," p. 17.

⁸⁴ The member states which participated were Ethiopia, Ireland, Latvia, and Norway. Those who were invited but did not participate were Australia, Bolivia, Cameroon, China, Finland, Guatemala, Italy, Japan, Mali, Nicaragua, Pakistan, Russia, Tanzania, Thailand, and Venezuela. Some member states chose not to participate, even though the program would have been financially underwritten by the United Nations. Human Rights Watch interview with Brendan Corcoran, deputy police advisor, Civilian Police Unit, Department of Peace-keeping Operations, United Nations headquarters, New York, December 4, 1997.

⁸⁵ Human Rights Watch telephone interview with IPTF monitor, May 13, 1998.

⁸⁶ Human Rights Watch interview with IPTF monitor, October 20, 1997.

⁸⁷ Human Rights Watch interview, October 18, 1997.

An additional serious problem relates to the fact that IPTF monitors themselves are not expressly required to have professional records clean of human rights violations in order to participate in the IPTF program. There are many monitors in Bosnia who gained their policing experience in countries with police forces with a documented history of abusive tactics.⁸⁸ This problem is exacerbated by the presence of some police monitors from military police units in their home countries, who may be less likely to be familiar with human rights law. Their presence is clearly not in the interest of the IPTF, which expects monitors to be civil police role models and to lead by example. "United Nations International Police Task Force monitors demonstrate democratic policing behaviors, drawing on expertise from their home countries," according to then IPTF Commissioner Peter Fitzgerald. "As peers rather than commanders, they have a unique credibility to instruct."⁸⁹ The reality of the situation does not measure up to this optimistic view, and the consequences can be far-reaching. As one monitor commented, the local police are quite aware of the checkered human rights records of some of the IPTF monitors.⁹⁰ The credibility of the U.N.'s human rights agenda to democratize the Bosnian police is thereby weakened by the presence of monitors with no knowledge of human rights.

As for the monitors designated specifically as human rights investigators, successful implementation of this ambitious mandate clearly requires special training and background, different from that of police who conduct general criminal investigations. In the Report of the Secretary-General Pursuant to Security Council Resolution 1088 (1996), Kofi Annan acknowledges that:

A thorough assessment by the IPTF Commissioner has now determined that in order to carry out, in a satisfactory manner, the additional and existing tasks relating to human rights investigation, monitoring of the local police, strengthening of police training, police restructuring and the development of guidelines for democratic principles, IPTF will have to move from a police force with primarily generalist functions to one with a substantial number of police experts in specialized fields.⁹¹

The job description that was circulated to member States with the request to provide monitors, listed the following among the requirements for human rights investigators to be recruited for the IPTF:

Experience required:

- * At least five years as a police criminal investigator, with experience in investigation of police misconduct and human rights violations; ...

Specific skills required:

- * Knowledge of internationally-accepted standards of human rights and policing.
- * Knowledge of democratic principles of policing.⁹²

⁸⁸ As of March 4, 1998, the IPTF was composed of contingents from the following nations: Argentina, Austria, Bangladesh, Bulgaria, Canada, Chile, Denmark, Egypt, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jordan, Kenya, Malaysia, Nepal, Netherlands, Nigeria, Norway, Pakistan, Poland, Portugal, Russian Federation, Senegal, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, and the United States. U.N. Doc. S/1998/227, Annex.

⁸⁹ Fitzgerald, "Guidance Notes," p. 7.

⁹⁰ Human Rights Watch interview with IPTF monitor, October 21, 1997.

⁹¹ U.N. Doc. S/1997/224, paragraph 13.

⁹² Office of the IPTF Commissioner in Sarajevo, "Police Monitor: Human Rights Investigator," in Requested Contingency Competencies for Contributors. UNMIBH, IPTF, March 1997.

The chief of the Human Rights Office, Claudio Cordone, in an interview with Human Rights Watch, acknowledged the importance of the expansion of the IPTF's mandate, and that the work of the IPTF Human Rights Office would have to include coordination of information and advice on detention and trials, on the safety of returnees, and on gender discrimination matters, some human rights training for IPTF monitors, and coordination with the headquarters of other international organizations with an interest in human rights. However, he stressed the importance of police monitors having seniority in criminal investigations and internal affairs over the need for any specific or substantial expertise in human rights law and investigatory techniques.⁹³

In the view of Human Rights Watch, the work of the Human Rights Office clearly requires its monitors to have the extensive expertise necessary for practical application of human rights law in areas as diverse as the legal status of refugees, the right of return and subsequent housing and property ownership issues, various aspects of due process and defendants' rights, and manifestations of discrimination, under human rights standards, based on gender, ethnicity and religion. In addition, the monitors designated as human rights officers should have a sufficient grasp of human rights law in order to advise other IPTF monitors in the field. All of these skills are of direct relevance to their role as monitors but fall outside the scope of ordinary police experience. As this report goes to print, IPTF is preparing a human rights training program that will initially be provided to station-level and regional human rights officers.

The Human Rights Office was originally envisioned as operating independently of the rest of the IPTF, with the chief answering only to the special representative of the secretary-general, and exercising direct supervision over human rights monitors in the field. Once the human rights component became fully operational (as mentioned earlier, that stage was slow in coming), each IPTF station had one human rights officer. These IPTF Human Rights Officers administratively reported to the station commander while receiving tasks from the regional human rights coordinator. The coordinator reported to the head of the Human Rights Office. The April 6, 1998 change in the structure of IPTF placed all human rights officers at field level under the direct command of station commanders and through them, regional commanders, with the human rights regional coordinators and the head of the Human Rights Office "providing guidance." Regional human rights coordinators report to the regional commanders, with the head of the Human Rights Office, again, providing guidance.⁹⁴

Less than two months after the introduction of this new structure it is too early to assess its impact on the quality of IPTF human rights work, but this new structure, in which the Human Rights Office appears to be placed outside of the chain of command is reason for certain concern.

An experience of a Human Rights Watch researcher shortly prior to the structural changes within IPTF illustrates one of the problems related to the fact that the head of the Human Rights Office has little or no direct authority over individuals who conduct the investigations.

⁹³ Human Rights Watch interview with Claudio Cordone, chief of the IPTF Human Rights Office, Sarajevo, October 13, 1997.

⁹⁴ Human Rights Interview with an IPTF representative, Sarajevo, May 20, 1998.

In the course of an investigation, the researcher sought information from an IPTF monitor from one of the local stations. The monitor stated that authorization for any discussion of human rights cases would have to come from the Human Rights Office headquarters in Sarajevo. However, when the researcher returned to Sarajevo, the chief of the Human Rights Office and the human rights coordinator for the region in question both indicated that the Human Rights Office could not provide this authorization. Further, they noted that local monitors are generally unable to share information with even the Human Rights Office, except through the regional commanders. If the regional commanders are not willing to cooperate, there is not much the Human Rights Office can do.⁹⁵

This fundamental breakdown in the flow of information, with the Human Rights Office seemingly on the outside even with regard to its human rights monitors, may have devastating effects on the IPTF's ability to monitor human rights violations and remove identified violators from the police force.

Positive Developments

Against this backdrop of deficiencies and difficulties, however, the IPTF, in several instances, achieved significant human rights progress. These developments further reinforce our conclusion that the U.N.'s human rights work in Bosnia and Hercegovina has tremendous potential. At the time of Human Rights Watch's October mission, the Human Rights Office had not yet been sufficiently staffed to undertake its work. In the interim, human rights investigations were conducted on an ad hoc basis by the operations division of the IPTF.⁹⁶ Investigations had been initiated in response to massive human rights abuses by local police in six instances: in Mostar, Jajce, Drvar, Gajevi, Breko and Sarajevo.⁹⁷ The reports resulting from these investigations have addressed human rights issues in a comprehensive and commendable way and have put forth valuable recommendations, including the discipline and removal of implicated police officers.

Mostar

The Mostar report addresses an incident which took place on February 10, 1997 in Mostar (Federation of Bosnia and Herzegovina). A procession of several hundred Bosniaks marched through east Mostar toward a cemetery in west Mostar in celebration of "Bajram," a Muslim religious holiday, during which cemetery visits are common. The west Mostar police—Bosnian Croats—had been notified of the group's intention to visit the cemetery. As the procession crossed into west Mostar, they were confronted by the west Mostar police, who advised them not to proceed. Following a brief discussion, the group continued on. West Mostar police officers again stopped the group further along, with the same result. Finally, near the edge of the cemetery, at least fifteen plainclothes and uniformed west Mostar police officers approached the group and began to beat them with batons. As the unarmed Bosniak civilians began to retreat, the west Mostar police officers continued to beat them and then fired upon them, killing one and injuring at least twenty of the marchers. Some ninety-one incidents of violence between Bosnian Croats and Bosniaks ensued in the following twenty-four hours, including a series of forced evictions of Bosniaks from west Mostar, in which local police were alleged to have been involved.⁹⁸

⁹⁵ Human Rights Watch interviews with Claudio Cordone, Chief of the IPTF Human Rights Office, Sarajevo, January and February 1998. Human Rights Watch interview with Cate McCaffrey, IPTF human rights coordinator, Sarajevo, January 1998.

⁹⁶ Interview with Adi Gross and Fritz Schwindt, Local Police Development of the IPTF, Sarajevo, October 15, 1997.

⁹⁷ These reports cover a series of incidents in Mostar on February 10, 1997, in Jajce between January and July, and in August, 1997, in Gajevi on March 2 and 11, 1997, in Drvar on May 3, 1997, in Breko on May 1, 1997, and in Sarajevo between January 1 and June 15, 1997. The results of the Sarajevo investigations are included in the U.N. secretary-general's quarterly report to the Security Council (as required by Security Council Resolution 1088), dated September 8, 1997. See U.N. Doc. S/1997/694.

⁹⁸ Claudio Cordone, chief of the IPTF Human Rights Office, "Resume of formal investigations mandated by the UNMIBH IPTF Commissioner," UNMIBH, IPTF, December 1, 1997.

The Mostar report is by far the most detailed and comprehensive of all the IPTF human rights reports. The report explicitly lists the officers involved and cites interviews of witnesses who attest to the specific actions of each officer. It also includes photographic evidence of these officers' involvement. The report recommends that five police officers be suspended from duty and subjected to criminal investigations: Ivan Hrkac, the deputy chief of the west Mostar police, Zeljko Planinic, Bozo Peric, Zlatko Pavlovic, and Josip Cvitanovic. The Mostar report called for the dismissal of the chief of the west Mostar police, Marko Radic, by February 26, 1997 and replacement by a professional police officer from outside the Mostar region. This was also called for in a letter, dated March 7, 1997, from the secretary-general to the president of the Security Council.⁹⁹ At the time, provisional certification of police officers in Mostar had not yet begun to take place (It began on April 3 and ended sometime in mid-August, 1997). In a letter attached to the Mostar report, the principals of the major international implementation agencies in Bosnia and Herzegovina and the Contact Group requested the IPTF and the Human Rights Coordination Center of the OHR to conduct an investigation into events following the February 10 shooting, during which random and sporadic attacks on citizens around the city and on routes in and out of Mostar were reported.¹⁰⁰

According to the IPTF, in flawed summary proceedings in the west Mostar lower court, five police officers were dismissed from the police force and charged with "participating in the mistreatment of citizens in the course of performing their duties." These five officers were Ivan Hrkac, Zeljko Planinic, Bozo Peric, and two others not mentioned in the Mostar report: Jerko Livaja and Zeljko Anicic.¹⁰¹ Three were convicted; Zeljko Planinic was given a one-year suspended jail sentence, and Ivan Hrkac and Bozo Peric were both given six month suspended sentences for their roles in the Mostar shootings.¹⁰² Subsequently, the five officers who were dismissed were granted civilian permits to carry side-arms, in clear violation of the Petersberg agreement.¹⁰³ The Office of the High Representative sanctioned the three officers involved in the shooting, by requesting that they be denied any requests for visas to travel abroad.¹⁰⁴ Marko Radic was transferred to other duties. In addition, four other police officers were suspended from duty and transferred to other jobs within the Mostar police station. The status of Zlatko Pavlovic and Josip Cvitanovic, the two other officers mentioned in the IPTF's Mostar report, has not been clarified by the IPTF's Human Rights Office. No charges were brought for the shooting or the subsequent evictions and despite demands from the international community for a retrial, it has not taken place.¹⁰⁵

Jajce

The Jajce report addresses a series of arson cases and incidents of violence against Bosniaks in Jajce (Federation of Bosnia and Herzegovina) between January and July, 1997, and the inadequate police response to organized road blocks and demonstrations against Bosniak returnees by local Bosnian Croats between August 1 and 5. During the same period, Bosniak returnees reported episodes of intimidation and sometimes violence at the hands of Bosnian Croats, operating with impunity in several villages. According to the report, there is reason to believe that plainclothes police participated in some of these actions; others noted how groups of intimidators appeared after

⁹⁹ U.N. Doc. S/1997/201, Appendix II.

¹⁰⁰ Letter addressed to Alija Izetbegovic, chair of the Presidency of Bosnia and Herzegovina, and Kresimir Zubak, member of the Presidency, from Ambassador Michael Steiner, principal deputy high representative of the Office of the High Representative in Sarajevo, February 24, 1997.

¹⁰¹ Cordone, telefax transmission, December 16, 1997.

¹⁰² "Croat police get suspended sentences after killing," Reuters World Service, March 20, 1997.

¹⁰³ Paragraph 4 of the Petersberg agreement states 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." The Agreement on Restructuring the Police, Federation of Bosnia and Herzegovina, Bonn-Petersberg, April 25, 1996.

¹⁰⁴ U.N. Doc. S/1997/310, paragraph 107; U.N. Doc. S/1997/201, Appendix II.

¹⁰⁵ Cordone, "Resume of formal investigations."

uniformed police advised the returnees to leave for safety reasons. Between August 1 and 5, the IPTF recorded twenty cases of apparent arson of Bosniak houses and one stable. One Bosniak returnee, Sahman Hazim, was shot dead and his body burned and some 400 to 550 Bosniaks were forced to leave their homes as a result of police acquiescence in the face of mass evictions, intimidation, violence, arson and murder.

The report, while briefer than the Mostar report, is extremely detailed as well. It recommends criminal investigations into the actions of ten police officers and provides their badge numbers, including the chief of the Jajce police, Marko Lucic, the two deputy chiefs, Marko Bilandzija and Mato Marceta, and seven other officers: Josip Radic (badge #2712), Darko Kalinic (badge #4328), Dragan Kalinic (badge #2910), Stipo Bilandzija (badge #4122), Zeljko Bendra (badge #4120), Mato Brtan (badge #3115), and Vinko Pejic (badge #4195).¹⁰⁶ The report also recommends that Marko Lucic and Marko Bilandzija be dismissed from the police force and not allowed to serve in any capacity in a law enforcement agency.

As of Human Rights Watch's October 1997 visit to Bosnia and Hercegovina, no action had been taken against these two individuals. All Jajce police officers received their temporary badges on August 22, 1997, before the IPTF investigation was completed.¹⁰⁷ However, following Human Rights Watch's visit, an IPTF spokesman, Liam McDowell, announced that the chief of police and deputy chief Marko Bilandzija had been suspended pending an investigation by cantonal authorities.¹⁰⁸ Further, Commissioner Seitner has formally requested more information from Federation Deputy Minister of the Interior Jozo Leutar, regarding the nature of the disciplinary proceedings taken against Lucic and Bilandzija. Leutar had suggested, after the release of the IPTF's report on Jajce, that measures were being taken to remove the chief and deputy chief from the police ranks and that disciplinary proceedings against the other eight were underway.¹⁰⁹ In a decision of the Disciplinary Court of the Cantonal Ministry of Internal Affairs in Vitez on December 15, 1997, Marko Lucic was dismissed and Marko Bilandzija was transferred to a non-supervisory post for one year. Mato Marceta resigned from the police force. The seven other officers all received 20 percent salary reductions for three months.¹¹⁰

Gajevi

The Gajevi report addresses the destruction of pre-fabricated houses of returnees in the Lopare district, in the Republika Srpska. On March 2, 1997, approximately sixty people walked from the village of Koraj to Gajevi (situated in the Zone of Separation, in the Republika Srpska). There they set fire to and destroyed eleven pre-fabricated houses which had been previously assembled for Bosniak returnees, in preparation for their return. On March 11, 1997, one of the eleven houses that had not been totally destroyed in the March 2 attack was set on fire a second time. The arson attacks were the culmination of confrontations that began when former Bosniak residents indicated their desire to return to their homes in October 1996. The Republika Srpska police, knowing of the likely threat to the pre-fabricated houses in Gajevi, did nothing to prevent the attacks and failed to undertake a proper investigation into the arson cases.

¹⁰⁶ "Policing Response to the Jajce Incidents," UNMIBH, IPTF, September 1997.

¹⁰⁷ Human Rights Watch telephone interview with Brendan Corcoran, deputy police advisor in the Civilian Police Unit, Department of Peacekeeping Operations, December 8, 1997.

¹⁰⁸ NATO/SFOR Transcript of Joint Press Conference at the Holiday Inn, Sarajevo, October 28, 1997.

¹⁰⁹ NATO/SFOR Transcript of Joint Press Conference at the Holiday Inn, Sarajevo, November 12, 1997.

¹¹⁰ Cordone, telefax transmission, December 16, 1997.

The report lists the following officers as having been negligent in their duty to prevent and investigate these acts: Branko Jekic, chief of police in Lopare, Jovic Mitasevic, chief of the Investigation Branch of Lopare, Dragan Dokic, Slobodan Saric, Milorad Janjic, Budinko Rikanovic, Milan Popovic, Zarko Miljanovic, Marko Kristic, and Mirko Stranisc.¹¹¹ Police restructuring had only recently begun in the Republika Srpska, and therefore, none of these officers had received temporary certification from the IPTF. This report recommends disciplinary action under the auspices of the Federation Law on Internal Affairs. Nine local police officers received a 30 percent pay reduction for three months. A letter from the IPTF commissioner to the then-Republika Srpska Minister of the Interior, Dragan Kijac, seeking further disciplinary action, was never answered.¹¹² Human Rights Watch called for the dismissal of Dragan Kijac as the Republika Srpska Minister of the Interior in October and December 1996, in connection with the discovery of four ICTY indictees serving as police in the Prijedor area.¹¹³

Brcko

The Brcko report addresses an incident in which two buses of visiting Serbs, Croats and Bosniaks, led by a U.N. vehicle, were stoned by Brcko residents on April 30 and May 1, 1997.¹¹⁴ The police refused to intervene in the attack, which appeared to be orchestrated. A crowd consisting of between one hundred and 130 people gathered in the vicinity of the Office of the High Representative prior to and shortly after the buses arrived, throwing projectiles and otherwise reacting angrily to their presence. IPTF representatives asked the Republika Srpska police to control the crowd, but the police officers responded only to a few requests and generally refused to undertake any positive action. As the buses prepared to leave, the police directed a local transit system bus in front of the U.N. vehicle. The local bus proceeded at an exceptionally slow pace and as the visiting vehicles passed, about twenty to thirty individuals standing on both sides of the road threw rocks at the buses. Four individuals on the bus sustained minor injuries, and the buses were considerably damaged. The visitors had notified the police of the intended visit, which was not approved. After learning that authorization for the visit had been denied, the IPTF attempted to contact the Brcko police to discuss security arrangements for the group, but their calls were not answered.¹¹⁵ The IPTF report concluded that the local police were uncooperative with the IPTF throughout their investigation and that the attack on the buses was most likely an organized ambush.

The following officers are named in the report: Radoslav Subotic, the deputy chief of staff at the Brcko station, Radomir Marjanovic, the Public Safety Centre deputy chief of staff for the Republika Srpska police, Andrija Bijelosevic, the Republika Srpska chief of staff, and a Mr. Kaurinovic and a Mr. Lugonjic, both at one point chiefs of criminal investigations, and a Mr. Maric, chief of Republika Srpska uniformed police. This report recommends disciplinary action and possibly criminal prosecution as well. Police restructuring had just recently been initiated in Brcko, and therefore no temporary identification had yet been issued to police officers. Four local police officers received a 30 percent pay reduction for three months for their involvement in this incident. Six civilians were also charged with offenses against the public peace. As with the Gajevi report, the IPTF commissioner again attempted to

¹¹¹ "Policing Response to the Gajevi Incidents," UNMIBH, IPTF, April 1997.

¹¹² Cordone, "Resume of formal investigations."

¹¹³ Human Rights Watch/Helsinki, "Bosnia and Hercegovina: The Unindicted: Reaping the Rewards of 'Ethnic Cleansing'," pp. 37-8; Human Rights Watch/Helsinki Press Release, 'Human Rights Watch/Helsinki Demands Removal of Republika Srpska Minister Dragan Kijac,' December 13, 1996.

¹¹⁴ "Policing Response to the Brcko Busing Incident," UNMIBH, IPTF, May 1997.

¹¹⁵ It is important to note that, as the IPTF informed the RS police in Brcko, authorization for such a visit was not necessary as it violated the rights of the individual regarding freedom of movement and the spirit of the Dayton agreement. *Ibid.*, p. 1.

communicate with the then-Republika Srpska Minister of the Interior, Dragan Kijac, in pursuit of further disciplinary action, but received no response.¹¹⁶

Drvar

Finally, the Drvar report addresses incidents of arson on May 2-3, 1997. On the morning of May 3, 1997, an SFOR patrol team discovered several burning houses in the village of Mokronoge, near Drvar (Federation of Bosnia and Hercegovina). Later that day, it was discovered that about twenty-five unoccupied houses had been destroyed by fire, and preparatory action had been taken to burn approximately twenty-five others. These acts were the culmination of a long series of events aimed at preventing the return of displaced Serbs to the Croat-controlled area.

¹¹⁶ "Policing Response to the Breko Busing Incident." UNMIBH, IPTF, May 1997.

The report primarily describes the course of the investigation, undertaken by the operations division, into these cases of arson. It focuses primarily on two officers—Miroslav Frankic, the chief of criminal police in Drvar, and Zarko Sokcic, the chief of anti-terrorism and homicide investigations—but suggests that they have been the cause of chronic problems for the IPTF and have a long history of noncompliance, as well as criminal records. Provisional identification for local police officers had not yet been distributed in the Tomislavgrad Canton in which Drvar is located. The report concluded that the local police had sufficient information to suspect that violence would occur, but had responded inadequately to prevent the incidents and were negligent in their duties to investigate and identify suspects. Frankic and Sokcic were found to be directly involved in the incidents and following demands from the IPTF commissioner that they be immediately removed from the police force they were both relieved of duty on June 3, 1997.¹¹⁷

In all, the quality of these reports is high, and should set the standard for future reports from the Human Rights Office. However, these are only five reports, and in the context of a post-war situation, during which human rights violations have been rife, these five must be only the first of many. In addition, it is essential that these reports be made accessible to IPTF monitors who work in the regions upon which the reports are focused, so that they may immediately incorporate the recommendations of the reports into their work. At least one of the five reports prepared by the Operations division, by contrast, was not sent to the area IPTF station, even weeks after the report was released in Sarajevo and internationally, and the station monitors eventually had to seek out the report themselves. These reports were also not provided to the chief of the Background Investigation Unit, who in the course of a Human Rights Watch interview, indicated that he was only aware of the Mostar and Jajce reports.¹¹⁸

Sarajevo

The example of Sarajevo is one that illustrates well both the need for human rights investigations and subsequent disciplinary or judicial measures, and the significant impact that U.N. human rights investigations can play.

In Sarajevo, the IPTF investigated twenty-eight reported human rights violations by the police, involving assault, harassment and use of excessive force, received in the period between January 1 and June 6, 1997, and substantiated several of them. IPTF representatives subsequently met with the Sarajevo cantonal minister of the interior and recommended the suspension of one police officer, disciplinary action and demotion in the case of three other police officers and the issuance of warrants against four additional officers. The ministry implemented the IPTF's recommendations in August.¹¹⁹ The Sarajevo investigations also had a significant psychological effect: in the course of the IPTF's investigation twenty-seven police officers were put in a lineup, a first such event in the history of the country's police, and the results of the investigations and the disciplinary measures undertaken by the authorities were published by local press.

¹¹⁷ Ibid.

¹¹⁸ Human Rights Watch interview with Earl Patrick Harrison, chief of the IPTF Background Investigation Unit, November 6, 1997.

¹¹⁹ U.N. Doc. S/1997/694, paragraph 16.

Possibly as a result, and also due to the IPTF's relative accessibility in Sarajevo, IPTF monitors have been receiving a high number of reports against police from local citizens. For example in September, the IPTF received thirty-three reports (with twenty-three of them involving freedom of movement issues). The IPTF continues to investigate these reports and also conducts regular visits to places of detention, both pre-trial and those for sentenced prisoners.¹²⁰ As a result of the IPTF investigations in Sarajevo and the IPTF's advocacy of discipline, suspension, and dismissal of guilty police officers, there has been a diminished number of human rights violations carried out by the local police, which clearly demonstrates the cause and effect relationship between IPTF attention to human rights abuses and an improved public security environment.

The IPTF's actions discussed show that the IPTF can play a significant role in improving the overall human rights situation and in eliminating particularly abusive officers from the local police force. The Sarajevo case also demonstrates the acute need for U.N. human rights investigations, followed by disciplinary, judicial, and administrative actions by local authorities. The Sarajevo police force, due to the heavy international presence, finds itself under much closer scrutiny than the police in any other part of the country, while its citizens experience a higher degree of international protection. Even under these conditions, however, numerous human rights abuses by police have occurred. The rest of the country is less watched and some areas additionally undergo more severe ethnic and political tensions. It is only to be expected that the level of police violations outside of Sarajevo is proportionately higher and also underreported. It is therefore particularly important that in the time it has left in Bosnia and Hercegovina, the IPTF apply its human rights mandate vigorously and to its full extent.

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*Human Rights Watch
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¹²⁰Human Rights Watch interview with Jonathan Ferrari, head of Human Rights Investigations for the Sarajevo region, October 20, 1997.

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