



## Sacked Police Hope For Justice at Last in Bosnia

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UN letter ends ban on sacked officers from re-applying for police posts but does not accept blame for previous mishaps.

Ramo Sulic worked as a policeman for 13 years in Bihac in north-west Bosnia - for part of the time as chief of police there.

But in 2002, he was removed from his post and banned from police work for life because the International Police Task Force, IPTF, had “de-certified” him.

For the past five years, the father-of-three has survived on his mother’s pension.

Sulic is one of more than 500 policemen in Bosnia and Herzegovina who lost their jobs after the IPTF “de-certified” them for allegedly abusing human rights.

None of the affected policemen knows the specific reasons for their sacking and for some years their right of appeal was heavily circumscribed. Local officials accepted IPTF’s ruling without objections.

The saga of the sacked policemen seemed finally to be coming to an end on April 30, when Emyr Jones Parry, the president of the United Nations Security Council, ended the total ban on their applying for jobs in law enforcement.

The letter, sent to the Bosnian Mission to the UN, read that as the “result of improvements in legal standards” it considered that, “where BiH law allows, persons denied certification or decertified by the IPTF may be permitted to apply for positions in BiH law enforcement agencies”.

One of the conditions was that applicants to posts in the police would have to disclose the fact that they had been decertified.

While the letter, parts of which were made public last week, was initially welcomed by analysts and the observers, a few days later reactions were more reserved.

Analysts and experts say the letter is only a compromise solution, as it does not explicitly admit the fault of the UN’s IPTF.

Although the letter itself is a precedent in terms that this is the first time that the UN has at least partially changed one of its previous decisions, it fell short of admitting blame for the problems that ensued.

The Security Council did not accept any misconduct on part of its previous mission in Bosnia.

What is more, the letter states that its contents do “not call into question the validity of decisions by which persons were denied certification or decertified by IPTF”.

### **Botched vetting process:**

The IPTF was established under the Dayton peace agreement, which ended the 1992-5 war in Bosnia and Herzegovina.

Amid widespread concerns that police officers from all three main ethnic groups had taken part in grave human rights abuses, it was decided to start an internationally supervised vetting process.

Some 16,700 policemen throughout the whole country had to be vetted and receive certificates permitting them to resume work.

The process dragged on for six years, starting in 1996 but in November 2002 the IPTF presented its decisions, and denied certificates to 598 officers. Police departments reacted promptly; some officers were sacked within 24 hours.

Five years on, even more holes have appeared in the vetting process with the arrest and trial of a number of serving policemen on war crimes charges in front of the State Court of Bosnia and Herzegovina.

Initially, the “decertified” officers were able to appeal within eight days of the decision. But they had to appeal without access to IPTF files and neither applicants nor their representatives were allowed to appear before an appeals panel composed of UN mission staff.

More than 260 of the 598 officers challenged their sackings. The move provided a rare instance of officers from Bosnia’s ethnically divided entities, the Bosniak-Croat Federation and the Republika Srpska, coming together.

After their cases were dismissed, 159 continued the battle at the Court for Human Rights in Strasbourg, where they have launched a case suing the state of Bosnia and Herzegovina.

Amila Kunosic-Ferizovic, the lawyer who drafted the application to Strasbourg, told Balkan Insight that while the IPTF was responsible for decertifying the men, “the state made a mistake by implementing this decision”. Strasbourg has yet to rule on whether it will hear the case.

The partial climb-down signalled by the UN letter of April 30 followed an intense campaign by the sacked police in the media.

In 2005, the European Commission for Democracy through Law, the Council of Europe's advisory body on constitutional matters, said the decertification process violated the European Convention on Human Rights.

"It should have been or be possible for those who so wished to have these decisions reviewed," the Commission said, referring to the appeal process.

The Commission exonerated the Bosnian authorities, however, saying they were "not responsible" for the decisions. It went on: "The national authorities... did not have any margin of appreciation in respect of decertification recommendations issued by UN/IPTF, and were therefore bound to implement them in order to comply with their international obligations."

### **A political compromise:**

Early in 2007, the influential research and policy body, the European Stability Institute, ESI, published a report suggesting the international community in Bosnia had been excessively highhanded in its treatment of the police.

"International organizations are made up of fallible men and women...[and] when they take on the responsibility of governing a post-conflict territory, they must not be permitted to assume the posture and immunity of Olympian gods," the ESI report read.

Finally, some of the officers went on a hunger strike in order to coerce the highest international official in Bosnia, the High Representative, Christian Schwarz-Schilling, to react. The UN letter duly followed.

Schwarz-Schilling's office was also initially positive about the letter, describing it as "satisfactory", though a day later it issued a statement saying the given solution "was not what I lobbied for".

The decertified policemen themselves appear cautiously satisfied with the latest developments. Ramo Sulic, now a representative for the association of decertified police officers in the Bosnian Federation, told Balkan Insight he hoped the government would act fast in accordance with the UN letter.

"We have asked for an urgent meeting with Council of Ministers and Ministry of Human Rights and are awaiting their answer," he said. "What we want is to start reapplying for jobs during May and be back at work in June."

Sulic said if officers could not resume work in the police a second solution would be to grant them "suspended worker" status, entitling them to 60 per cent of their old salary plus medical and social insurance.

Sulic's colleague in Republika Srpska, Nenad Starcevic, also voiced optimism. He told Balkan Insight that most of the 90 affected police officers from the Serbian entity planned to reapply for jobs "as soon as possible". He added: "We are more than happy."

But some experts remain critical. Thommas Hammarberg, the Council of Europe's Commissioner for Human Rights, described the UN letter as a "political compromise".

"The position of the Security Council as expressed in their letter to the Bosnian government was the most that could be achieved, having in mind that it gives the possibility to police officer to reapply for their jobs," he said.

He regretted that no panel was going to review the original decisions of the IPTF, as had been suggested: "This would have been the most correct approach from the human rights perspective."

"The Security Council members feared that to reopen the original decisions through a review process would have set a dangerous example in relation to the authority of Security Council decisions in general," Hammarberg continued.

Kristof Bender, of the ESI, also agreed that the latest compromise was "not a satisfactory solution" to the dilemma.

"For some of the decertified policemen the opportunity to reapply for jobs with the police service is very important, because for many it was very difficult to find other jobs," he said.

"But the right to apply for a police job does not mean that they eventually will get one, particularly as there is pressure on the Bosnian police forces to downsize staffing levels," he went on. "We will have to see how the Bosnian authorities will deal with this issue."

Bender told Balkan Insight that in the case of decertified police officers, "The UN clearly made mistakes and violated human rights."

He concluded: "It does not make sense that international missions aiming to foster the rule of law and human rights can stand above the standards they themselves promote."

The officers are now waiting on the government. Balkan Insight tried to contact Safet Halilovic, Bosnia's minister of human rights, but with no success.

The legal advisor for the ministry, Saliha Dzuderija, said: "It is too early to talk about any state actions in relation to the letter from the president of the Security Council... We still do not know a thing. A decision has to be made by the Council of Ministers."

However, opinion within the High Representative's office is that the state institutions will have to act fast to comply with the Security Council's letter, which requires the current Law on Police Officials in to be amended.

"The Existing legislation must be amended – as in the case of the State Law on Police Officials – to allow persons who were denied certification to be eligible to apply for vacant positions," an OHR statement read.

"Where there is no such legislation in place – as in Republika Srpska, Breko and four Cantons – appropriate laws must be adopted," it went on.

The former officers are not willing to wait for too long. Sulic even talks of suing the UN, and “if not the UN, then those countries that were part of UN mission in Bosnia back those times”.

Sulic says nothing can compensate for the losses they have endured since 2002. “Three colleagues of ours have

committed suicide because they could not bear all the pressure and the shame,” he said.

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