Index

A

Abu Ghraib prison, 104
access to evidence (disclosure), 103–4
accountability procedures, 14, 137, 142, 153–54
active-personality jurisdiction, 98
Afghanistan, 9
  assessment shortcomings, 32
  Bonn Agreement of 2001, 40
  Central Narcotics Tribunal (CNT), 85, 91–92
  Counter Narcotics Law, 92
  Counter Narcotics Police, 91
  drug trafficking, 8, 13, 98
  extraterritorial jurisdiction, 99
  informal justice system, 25
  international judges and lawyers, 147
  judicial system assessment, 34
  National Counter Narcotics Strategy, 90–91, 126
  prison facility shortages, 105
  public information campaigns, 126
  stability police units, 130
  Vertical Prosecution Task Force, 91
African Charter on Human and Peoples’ Rights, 47
African Charter on the Rights and Welfare of the Child, 47
Agreement on Human Rights (El Salvador), 40
Allaw, Kamal, 106
American Convention on Human Rights, 47
Angola, 41
Anti-Mafia Prosecution Office, 13
Arab Charter of Human Rights, 47
Arab Convention for the Suppression of Terrorism, 49
Arab League Convention on Mutual League Assistance in Criminal Matters, 48
Arusha Peace and Reconciliation Agreement, 40
assessments
  assessment team membership, 30–32
  baseline information, 18
  conclusions, 18
  of the criminal justice sector, 21–28
  cultural and historical considerations, 146–47
  goals and strategies, 18, 35–37
  international assistance, 145–46
  local input, 31–32
  methodology, 32–37
nature of the problem, 19–21
of official political will, 29
organization of reports, 33
planning process, 18
of public attitudes, 29–30
of regulatory framework, 28
scope, 18–19
timeframe, 10, 35
verification of information, 33–34

B
Bonn Agreement of 2001, 40
border control, 77
Bosnia and Herzegovina, 9
assessment of serious crimes, 38
assessment of the judicial system, 34
Dayton Peace Accords, 40, 51
High Judicial and Prosecutorial Council, 88–89
intelligence coordination, 118
International Criminal Tribunal for the former Yugoslavia
international judges and lawyers, 147, 148
international military presence, 128–29, 131
official corruption, x, 8
organized crime, x, 80
seizure and confiscation of proceeds, 64
special department for serious crimes, 88–90
Special Section for War Crimes, 89–90
Special Trafficking Operations Programme (STOP), 80
stability police units, 130
Witness Protection Department, 111
Brahimi Report, 159, 160, 160
Burundi, 40

C
Cambodia, 85
close protection programs, 12
institutional reforms, 73, 106–9
planning and operations, 108–9
team requirements, 107–8
Colombia, 40
confiscation of proceeds of crime, 63–67
Congo, 127
constabulary forces, 130–31
See also police systems
constitutions, 43
cooperation agreements, 62
corruption. See official corruption
Côte d’Ivoire, 68, 152
Council of Europe Convention on Cybercrime, 49
Council of Europe Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds of Crime, 49, 65
Council of Europe Criminal Law Convention on Corruption, 49
courts. See criminal justice systems
covert surveillance measures, 55–57
crime. See organized crime
criminal codes, 43–44
   Model Codes for Postconflict Criminal Justice, 52–53, 105
types of modifications, 51–53
witness protection measures, 58–60
criminal intelligence. See intelligence
criminal intelligence units, 120–22
criminal justice systems
   accountability mechanisms, 142
   ad hoc international tribunals, 84–85
   administration and management, 143
   assessments, 21–28
   close protection programs, 12, 73, 106–9
defense-counsel reforms, 73–74, 100–104
extraterritorial jurisdictions, 98–99
foreign prosecutions, 97–99
institutional reforms, 73–74, 80–99, 155–57
international force presence, 23–24, 132
international judges and lawyers, 86–87, 89–90, 97, 140, 141, 142
international military personnel as witnesses, 132
judicial independence, 96, 145
personnel, 74, 139–44
prosecutor reforms, 74
security, 26, 144, 152–53
specialized jurisdictions, 82–97
system capacity, 25–27
training, 84
transparency, 96
types of modifications, 51–53
war crimes tribunals, 84
witness protection programs, 109–12
See also international assistance; legal frameworks; police systems; prison systems
cybercrime, 49

d
Danilovic, Rajko, 59
data management systems, 76
Dayton peace agreement, 40, 51
defense counsel reforms, 73–74, 99–103
   access to evidence (disclosure), 103–4
close protection programs, 106
right of access to counsel, 101–3
right to counsel, 100–101
training, 142–43
definitions, 3–5
Democratic Republic of the Congo, 9
disclosure, 103–4
Djindjic, Zoran, 59, 94
domestic law, 43–45
See also legal frameworks
donors. See international assistance
drug trafficking
international treaties, 46, 48
resource list, 164–66
due process guarantees, 14, 22, 46, 53

E

East Timor
coordination between military and civilian police, 133
international military presence, 128–29, 131
serious crimes panels, 82, 84
UN Security Council Resolutions, 50–51
economic aspects of serious crime, 20–21
Economic Community of West African States Convention on Extradition, 48
Einaudi, Luigi R., 94
El Salvador, 40
ethnic violence, 6
European Charter of Fundamental Rights, 47
European Convention on Extradition and its additional protocols, 48
European Convention on Human Rights and Fundamental Freedoms (ECHR), 40, 47, 51
European Convention on Mutual Legal Assistance in Criminal Matters, 48
European Court of Human Rights, 55–56, 59–60
European Police Office (Europol), 117
evidence, definition, 117
See also intelligence
The Explanatory Report to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime, 64
extradition procedures, 68–69
extradition treaties, 46–47, 48
extraterritorial jurisdiction, 98–99

F

fair trial guarantees, 14, 22, 46, 53, 100–101
Fiji, 93
firearms trafficking, 49
foreign prosecutions, 97–99
foreign roles. See international assistance
forensic resources, 76
Former Yugoslavia. See Yugoslavia
full immunity, 61
funding resources, 13
  conflict-related shortages, 73
  foreign prosecutions, 97–99
  international assistance, 12, 18, 73, 141, 143, 147, 152–53
  sustainability, 139

G

guiding principles, 12–15

H

Haiti, 7, 9
  international military presence, 127
  tripartite commission proposal, 94
  UN Mission, 7, 10–11
handbook development process
  authors and practitioners, 9
  guiding principles, 12–15
  purpose, 10–12
A Human Rights Approach to Prison Management, 105
human rights considerations
  detention of suspects, 119
  due process and fair trial guarantees, 14, 22, 46, 53, 100–101
  institutional reforms, 73–74
  International Convention on Civil and Political Rights, 41
  international monitors, 143
  international treaties, 46–47
  nonbinding international principles, 50
  principles of democratic policing, 75
  prison facilities and management, 104–5
  resource list, 157–58
  surveillance measures, 55–56
  UN Security Council Resolutions, 50–51
  victim assistance units, 79, 112
See also defense counsel reforms
Human Rights Standards and Practice for Police, 75
human trafficking, 40, 42, 152
  international treaties, 46, 49
  repatriation, 80
  resource list, 164–66
Hussein, Saddam, 59, 106
Al-Hussein, Prince Zeid Ra’ad Zeid, 153
immunity from prosecution, 61–63
impact of serious crime, 6–8
information gathering. See intelligence
institutional reforms, 11–12, 73–113
close protection programs, 73, 106–9
criminal justice system reforms, 80–99
defense counsel reforms, 99–103
foreign prosecutions, 97–99
police reforms, 74–81
prison reforms, 103–5
resource list, 155–57
specialized jurisdictions, 82–97
witness protection programs, 109–112
intelligence, 12, 77–79, 113–22
    analysis, 116
clearance, 115
criminal intelligence units, 120–22
detention of suspects, 119
forensic resources, 76
intelligence process, 115–16
international assistance, 142
military intelligence, 117–20
sharing and coordination, 117–18
surveillance measures, 55–57, 77–79
Inter-American Convention against Terrorism, 49
Inter-American Convention on Corruption, 49
Inter-American Convention on Extradition, 48
Inter-American Convention on Forced Disappearance of Persons, 47
Inter-American Convention on Mutual Legal Assistance, 48
Inter-American Convention on Trafficking in Firearms, 49
Inter-American Convention to Prevent and Punish Torture, 47
international assistance, 12, 18, 137–54
    accountability procedures, 137, 153–54
    alternative locations for prosecution, 73–74, 97–99
    authorization, 137, 141–42
    cultural and historical considerations, 146–47
    equipment and logistical support, 141, 143
    funding resources, 139, 147, 152–53
    guidelines, 137–41
    judges and lawyers, 86–87, 89–90, 97, 140, 141, 142
    military force assistance, 23–24, 34, 113, 127–35
    misconduct by international personnel, 152–54
    monitoring, 143
    needs assessments, 145–46
    personnel selection, 137, 148–53
    police, 23
    training of local personnel, 137, 139–40, 142–43
    types of intervention, 137, 142–47
International Criminal Police Organization (Interpol), 117
International Criminal Tribunal for the former Yugoslavia, 59–60, 84, 90, 94
international treaties, 40–41, 45–51
  on crime and criminal investigation, 48
  extradition treaties, 46–47
  human rights treaties, 46–47
  impact on domestic law, 46
  mutual legal assistance treaties, 47–48, 70–71, 98–99
  nonbinding instruments, 50
  ratification process, 45
  resource list, 166
  trafficking treaties, 49
See also United Nations, international treaties; specific regional treaties

investigation of serious crime. See intelligence

Iraq, 9
  Abu Ghraib prison, 104
  Advanced First Responder Network, 31
  Central Criminal Court of Iraq, 93
  Civilian Police Advisory Training Team (CPATT), 76
  close protection programs, 106
  police training activities, 76, 135
  witness protection measures, 59

Italy, 13
Ivory Coast. See Côte d’Ivoire

J
Janabi, Sadoon, 106
Jovanovic, Zvezdan, 59
judicial system capacity checklist, 26–27
judicial systems. See criminal justice systems

K
Karadzic, Radovan, 8
Karzai, Hamid, 91, 126
Kosovo, 9
  access to defense counsel, 102
  coordination between military and civilian police, 133–34, 149
  Criminal Defence Resource Centre (CDRC), 100
  detention of suspects, 119
  equipment costs, 141
  ethnic violence, 6
  extradition limitations, 99
  funding, 152
  Human Rights Oversight Committee, 143
  intelligence sharing and coordination, 119–21, 133–34
  international judges and lawyers, 100, 145, 147, 148
  international military personnel as witnesses, 132
  international military presence, 128, 132
  international monitoring, 143, 145
  international police, 149
judicial bias, 145
kidnapping, 41
Kosovo Organized Crime Bureau, 121
legal framework, 23, 41–42, 143
military intelligence, 120, 133–34
misconduct of international personnel, 152
organized crime, 42
police coordination, 133–34, 149
prison escapes, 106
prison facility shortages, 104
Provisional Criminal Procedure Code, 102
public information and awareness, 124–25, 127
security of the judicial system, 26
seizure and confiscation of proceeds, 67
stability police units, 130
UN Mission, 26
UN Security Council Resolutions, 50–51
War and Ethnic Crimes Court, 84–87
witness protection measures, 59, 110–11, 125
KrijeStorac, Kujo, 59

L

legal framework checklist, 22
legal frameworks, 39–51
assessments, 21–23
common law traditions, 22, 25, 44–45
court systems, 44
criminal codes, 43–44
domestic laws, 43–45
due process and fair trial guarantees, 14, 22, 46, 53, 100–101
extradition procedures, 68–69
foreign prosecutions, 98
immunity procedures, 61–63
implementation of laws, 41
institutional reforms, 73–74
international assistance, 142
international standards, 40
international treaty obligations, 40–41, 45–50
investigative tools, 42
legal reforms, 10–11, 42
modification types, 51–55
nonprosecution agreements, 62
peace agreements, 40, 51
police laws and procedures, 44–45
seizure and confiscation of proceeds, 63–67
specialized jurisdictions, 96
surveillance measures, 55–57
Index

UN Security Council Resolutions, 50–51
witness protection programs, 57–61, 109–12

Legislative Guide for UNTOC, 56, 60, 61, 69, 71
Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols, 69, 71

Liberia, 9
drug trafficking, 7
extradition procedures, 68–69
human trafficking, 40
international judges, 95
legal reforms, 40
transportation of prisoners, 105

M

Mafia organizations, 13
materials for combating serious crime, 12
memoranda of understanding (MOUs), 133
military forces, 113, 127–35
forms of assistance, 131–32
intelligence, 117–20, 130
legal frameworks, 45
memoranda of understanding, 133
rules of engagement, 129–32
stability police units, 130
transition of authority to civilian police, 133–35
as witnesses, 132
Milosevic, Slobodan, 23, 145
Model Codes for Postconflict Criminal Justice, 52–53, 105, 156
“Model Criminal Procedure Code,” 52, 53, 56, 57, 59–60, 63, 69, 71
“Model Criminal Code,” 52
“Model Detention Act,” 52, 105
“Model Police Act,” 52
Mohammad, Baz, 99
money laundering, 49
motivations for serious crime, 19–20
mutual legal assistance treaties, 70–71, 98–99
Mutual Legal Assistance Treaty Creator, 71

N

needs assessments. See assessments
Nepal, 5
Neptune, Yvon, 94
nonprosecution agreements, 62
Northern Ireland, 5, 9
O

OAU Convention on the Prevention and Combating of Terrorism, 49
OECD Convention on Corruption of Public Officials, 49
official corruption, x, 20, 29
  international treaties, 48, 49
resource list, 163
operational intelligence, 114
organized crime, x, 5–6, 20, 42
  international treaties, 46, 48
police systems, 78
  resource list, 164–66
  seizure and confiscation of proceeds, 63–67
origins of serious crime, 5–6

P

partial immunity, 61
passive-personality jurisdiction, 98
peace agreements, 51
perpetrators of serious crime, 20
personnel issues, 144
  accountability procedures, 137, 153–54
  misconduct, 152–54
  qualifications, 150–52
  recruitment, 148–50
  reserve corps, 149
  security, 152–53
Plan Colombia of 1999, 40
plea-bargaining provisions, 61–63
police systems
  capacity assessment, 23–25
  human rights principles, 75
  institutional reforms, 73–81
  intelligence, 113–22
  interagency coordination, 80, 117–18, 120–22
  internal affairs, 79
  international assistance, 142–43
  investigations and intelligence, 12, 77–79, 114–22
  legal frameworks, 44–45
  memoranda of understanding, 133
*Model Codes for Postconflict Criminal Justice*, 52–53
resource list, 161–62
resource requirements, 76–77
specialized functions, 77–79
stability police units, 130
surveillance measures, 55–57, 77–79
targeting strategies, 113, 122–23
training, 77, 142–43
transition of authority from military forces, 133–35
types of modifications, 51, 53–54
victim assistance, 79, 112
political factors in serious crime, ix, x, 20–21, 29
postconflict situations, definition, 4
Practical Guidelines for the Establishment of Correctional Services within
United Nations Peace Operations, 105
presidential/royal decrees, 44
principles for combating serious crime, 12–15
prison systems
capacity assessment, 27–28
institutional reforms, 73–74, 103–5
Model Codes for Postconflict Criminal Justice, 105
resource list, 162
transportation of prisoners, 79, 104–5
proceeds of crime, 63–67
prosecution of serious crime. See criminal justice systems
prostitution. See human trafficking
Protocol to the African Charter on Human and Peoples’ Rights on the Rights
of Women in Africa, 47
public awareness campaigns, 113, 124–27

R
reforms. See institutional reforms
refugees, 20
regional treaties, 45–51
Report of the Secretary General on the Rule of Law and Transitional Justice
in Conflict and Post-Conflict Societies, 84
resource list, 155–69
rule of law, 10–11, 14, 128, 155–57
Rwanda, 84

S
SAARC Convention on Preventing and Combating Trafficking in Women and
Children for Prostitution, 49
seizure and confiscation of proceeds of crime, 63–67
Serbia, 94
See also Kosovo; Yugoslavia
Sierra Leone, 9
Anti-Corruption Commission, 29
extradition procedures, 68
police resources, 76
Special Court for Sierra Leone, 83–84
Single Convention on Narcotic Drugs, 48, 69
Solomon Islands, 92, 100
Somalia, 104, 127, 129
specialized jurisdictions, 82–97
stability police units, 130
states, definition, 4
strategic intelligence, 114
strategies for addressing serious crime, 113–35
   intelligence, 113–22
   international military presence, 113, 127–35
   public awareness campaigns, 113, 124–27
   targeting, 113, 122–23
surveillance measures, 55–57, 77–79
sustainability of combating serious crime, 14–15

T
tactical response teams, 77
targeting strategies, 113, 122–23
territorial jurisdiction, 98
terrorism, 42
   international treaties, 46, 48, 49
   resource list, 164–66
trafficking in persons. See human trafficking
treaties. See international treaties
types of serious crimes, 19

U
UNDCP Model Mutual Legal Assistance in Criminal Matters Bill, 71
United Nations Model Treaty on Extradition, 69
United Nations peace operations and missions. See under specific states.
United Nations Security Council Resolutions, 50–51
United Nations treaties and instruments
   Basic Principles on the Independence of the Judiciary, 50
   Basic Principles on the Use of Force and Firearms, 50
   Body of Principles for the Protection of Persons under Any Form of
   Detention or Imprisonment, 50
   Code of Conduct for Law Enforcement Officials, 50
   Convention against Corruption (UNCAC), 48, 68
   extradition procedures, 68
   mutual legal assistance provisions, 70–71
   Convention against Illicit Traffic in Narcotic Drugs and Psychotropic
   Substances, 48, 66, 69
   Convention against Torture and Other Cruel, Inhuman or Degrading
   Treatment or Punishment, 47
   Convention against Transnational Organized Crime (UNTOC), 40–41,
   48, 55
   extradition procedures, 67–69
   immunity from prosecution, 61, 63
   mutual legal assistance provisions, 70–71
   seizure and confiscation of proceeds, 63–67
   surveillance measures, 57
   witness protection measures, 58, 60–61
   Convention on Psychotropic Drugs, 48, 69
   Convention for the Suppression of Terrorist Bombings, 49
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 48, 69
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 48, 69
Convention for the Suppression of Unlawful Seizure of Aircraft, 48, 69
Convention on Mutual Legal Assistance in Criminal Matters between Member States of the European Union, 48
Convention on Offences and Certain Other Acts Committed on Board Aircrafts, 48, 69
Convention on the Elimination of All Forms of Discrimination against Women, 47
Convention on the Marking of Plastic Explosives for the Purpose of Detection, 48, 69
Convention on the Physical Protection of Nuclear Material, 48, 69
Convention on the Prevention and Punishment of Offences against Internationally Protected Persons, 48, 69
Convention on the Rights of the Child, 47
Declaration on the Elimination of Violence against Women, 50
Declaration on the Protection of All Persons from Enforced Disappearance, 50
Declaration on the Rights of the Child, 50
Draft Declaration on the Right to a Fair Trial and Remedy, 100
Guidelines on the Role of Prosecutors, 50
International Convention against the Taking of Hostages, 48, 69
International Convention for the Suppression of Terrorist Bombings, 69, 98
International Convention for the Suppression of the Financing of Terrorism, 48, 69
International Convention on Civil and Political Rights (ICCPR), 41, 47
International Convention on the Elimination of All Forms of Racial Discrimination, 47
Minimum Rules for the Administration of Juvenile Justice, 50
Minimum Rules for Non-Custodial Measures, 50
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, 49
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 49, 69
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, 49, 69
Protocol to Prevent, Suppress and Punish Trafficking in Persons, 49
Rules for Protection of Juveniles Deprived of Their Liberty, 50
Standard Minimum Rules for the Treatment of Prisoners, 50

United States, 13

V

victim assistance units, 79, 112

W

war crimes tribunals, 82–85
website resources, 166–69
West Africa, 68
Western Papua, 127
witness protection programs, 12, 57–61
  criminal procedure codes, 58–60
  institutional reforms, 73, 109–112
  international assistance, 143
  police systems, 79
  public information campaigns, 125
  relocation laws, 60–61
women’s rights, 47, 49–50

Y
Yugoslavia, 23
  International Criminal Tribunal for the former Yugoslavia
  legal framework, 42
  witness protection measures, 59
  See also Bosnia and Herzegovina; Kosovo

Z
al-Zubaidi, Adil Muhammad, 106
United States Institute of Peace

The United States Institute of Peace is an independent, nonpartisan federal institution created by Congress to promote the prevention, management, and peaceful resolution of international conflicts. Established in 1984, the Institute meets its congressional mandate through an array of programs, including research grants, fellowships, professional training, education programs from high school through graduate school, conferences and workshops, library services, and publications. The Institute’s Board of Directors is appointed by the President of the United States and confirmed by the Senate.

Chairman of the Board: J. Robinson West

Vice Chairman: María Otero
President: Richard H. Solomon
Acting Executive Vice President: Michael Graham
Vice President: Charles E. Nelson

Board of Directors
J. Robinson West (Chairman), Chairman, PFC Energy, Washington, D.C.
María Otero (Vice Chairman), President, ACCION International, Boston, Mass.
Betty F. Bumpers, Founder and former President, Peace Links, Washington, D.C.
Holly J. Burkhalter, Vice President of Government Affairs, International Justice Mission, Washington, D.C.
Chester A. Crocker, James R. Schlesinger Professor of Strategic Studies, School of Foreign Service, Georgetown University
Laurie S. Fulton, Partner, Williams and Connolly, Washington, D.C.
Charles Horner, Senior Fellow, Hudson Institute, Washington, D.C.
Seymour Martin Lipset, Hazel Professor of Public Policy, George Mason University
Mora L. McLean, President, Africa-America Institute, New York, N.Y.
Barbara W. Snelling, former State Senator and former Lieutenant Governor, Shelburne, Vt.

Members ex officio
Barry F. Lowenkron, Assistant Secretary of State for Democracy, Human Rights, and Labor
Peter W. Rodman, Assistant Secretary of Defense for International Security Affairs
Richard H. Solomon, President, United States Institute of Peace (nonvoting)
Francess C. Wilson, Lieutenant General, U.S. Marine Corps; President, National Defense University
Combating Serious Crimes in Postconflict Societies

This book is set in Caslon No. 224; the display type is Zurich Condensed. Jeff Urbancic designed the book’s cover and interior. EEI Communications, Inc., made up the pages, which were proofread by Kimberly McCutcheon and EEI. The index was prepared by Jan Williams. The book’s editor was Nigel Quinney.