



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

9 October 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the sixth periodic report of Bosnia and Herzegovina, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 62nd session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/BIH/CO/6, para. 40) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 13, 19 and 21 (b) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 5 March 2019 providing your Government's response on the above-mentioned paragraphs (CAT/C/BIH/CO/6/Add.1) and to make the following comments:

Ill-treatment by the police (para. 13)

The Committee takes note of the information included in the State party's follow-up replies regarding the imposition of disciplinary measures against members of the Republic of Srpska Police between January 2010 and September 2013 for their alleged involvement in ill-treatment. However, it regrets not having received complete and detailed statistical data on the number of prosecutions, convictions and sentences handed down in cases of torture and other ill-treatment since the adoption of the concluding observations. The Committee also takes note of the information provided by the State party concerning the issuance of instructions regarding the treatment of persons deprived of liberty and the provision of training to relevant staff, including on interrogation tactics and the prevention of torture. Nevertheless, the absence of video recordings during the interrogation of suspects and the placement of detainees under constant video surveillance in their cells are matters of concern (1/C).

.../...

H. E. Ms. Nermina Kapetanovic
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of Bosnia and Herzegovina
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Redress for victims of war crimes, including sexual violence (para. 19)

While noting the status of several draft laws and policies mentioned in the follow-up replies, the Committee remains concerned at the State party's continued failure to establish an effective reparation scheme at the national level in order to provide all forms of redress to victims of war crimes, including sexual violence. Regarding its recommendation that the State party should ensure that the authorities at the entity level remove restrictive and discriminatory provisions from their legislation and policies relating to redress, the Committee appreciates the explanations included in the follow-up report on the amendments to the Law on the Principles of Social Protection, Protection of Civilian Victims of War and Families with Children of the Federation of Bosnia and Herzegovina and the recent adoption of the Law on the Protection of Victims of War of the Republic of Srpska. Lastly, the Committee would appreciate receiving information on the recent review of the criteria for the referral of cases to the entity-level judiciaries and on any impact that it may have had on the existing backlog of cases concerning past violations (2/C).

Ombudsman and establishment of a national preventive mechanism (para. 21 b)

The Committee also takes note of the information submitted with regard to the status of a draft law amending the Law on the Ombudsman for Human Rights. It regrets, however, that no explanation has been provided on the measures taken by the State party to ensure that this national human rights institution has sufficient financial and human resources to fully carry out its mandate in an effective and independent manner (2/C).

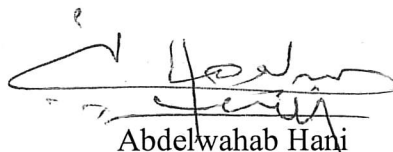
Implementation plans (para. 40)

While noting that an Action Plan for the implementation of the remaining recommendations contained in the concluding observations has been drafted by the Ministry of Human Rights and Refugees, the Committee urges the State party to provide more detailed and concrete information in this respect (C).

The Government of Bosnia and Herzegovina is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on sixth periodic report of Bosnia and Herzegovina.

The Committee looks forward to a continued constructive dialogue with the authorities of Bosnia and Herzegovina on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations