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Excellency,

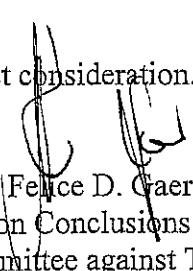
In my capacity as Rapporteur for follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the initial report of Bosnia and Herzegovina (CAT/C/21/Add.6) by this Committee, at its 35<sup>th</sup> session, from 7 to 25 November 2005. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/BIH/CO/1) were transmitted to your Permanent Mission. In paragraph 24 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that Bosnia and Herzegovina provide, within one year (by November 2006) further information regarding areas of particular concern identified by the Committee in paragraph 10, 11, 15, 19 and 21 (a) (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Conclusions and Recommendations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Bosnia and Herzegovina on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Please accept, Excellency, the assurances of my highest consideration.

  
Felice D. Gaer  
Rapporteur for Follow-up on Conclusions and Recommendations  
Committee against Torture

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION

Conclusions and recommendations of the Committee against Torture  
(Extracts for follow-up)

BOSNIA AND HERZEGOVINA

(...)

C. Principal subjects of concern and recommendations

(...)

10. In connection with the well-documented torture and ill-treatment that occurred during the 1992-1995 conflict in the former Yugoslavia, the Committee is concerned about:

- (a) The reported failure by the State party to carry out prompt and impartial investigations, to prosecute the perpetrators and to provide fair and adequate compensation to victims;
- (b) Alleged discriminatory treatment in criminal proceedings whereby officials belonging to the ethnic majority often fail to prosecute alleged criminals belonging to the same ethnic group;
- (c) Reported harassment, intimidation and threats faced by witnesses and victims testifying in proceedings and the lack of adequate protection by the State party;
- (d) The failure to recognize survivors of torture, including sexual violence, as victims of the conflict, a status which would enable them to obtain redress and exercise their right to fair and adequate compensation and rehabilitation; and
- (e) The failure to cooperate adequately with the International Criminal Tribunal on the Former Yugoslavia, in particular on the part of the Republika Srpska, by failing to arrest and transfer indicted persons, including Radovan Karadzic and Ratko Mladic, accused of genocide, torture and other international crimes.

**The State party should:**

- (a) Take effective measures to ensure prompt and impartial investigations into all allegations of torture and other cruel, inhuman or degrading treatment, the prosecution and punishment of the perpetrators, irrespective of their ethnic origin, and the provision of fair and adequate compensation for victims;**
- (b) Extend full cooperation to the International Criminal Tribunal for the Former Yugoslavia, inter alia by ensuring that all indicted persons are apprehended, arrested and transferred to the custody of the Tribunal, as well as granting the Tribunal full access to requested documents and potential witnesses;**

- (c) Provide information in connection with criminal proceedings, extending mutual judicial assistance to and cooperating with other relevant countries and the Tribunal, as required by the Convention;
- (d) Enforce relevant legislation, including providing protection of witnesses and other participants in proceedings, and ensure that testimonies by victims of torture and ill-treatment are provided with fair treatment at all stages of the proceedings;
- (e) Develop legal and other measures, enforceable throughout the State, including an official programme for the rehabilitation of victims of torture including sexual violence, providing them recognition as victims and the capacity to pursue redress and their right to fair and adequate compensation and rehabilitation in accordance with the requirements of the Convention.

11. While noting the developments towards multi-ethnic structures within the respective authorities, the Committee remains concerned about alleged cases of ethnic bias and politically influenced police and judicial procedures. The Committee is also concerned that the State party has not been able to prevent and investigate violent attacks against members of ethnic and other minorities, in particular returnees.

**The State should ensure that judges, prosecutors, lawyers and other personnel are fully aware of the State party's international obligations enshrined in the Convention, that fair treatment prevails in all judicial procedures and that independence of the judiciary is fully guaranteed and safeguarded, in particular in procedures relating to the protection of minorities and returnees.**

(...)

15. The Committee is concerned that all persons deprived of their liberty are not ensured prompt access to a lawyer, a doctor and a family member.

**The State party should ensure that all persons detained are guaranteed a right to contact their families and have immediate access to an independent medical doctor and legal counsel from the very outset of the deprivation of liberty.**

(...)

19. The Committee notes, based on the information provided by the State party, that a framework or procedures allowing prisoners to file complaints is in place, but the Committee remains concerned that the procedures differ from one prison to another and that the prisoners are not aware of their right to complain as ensured by article 13 of the Convention.

**The State party should:**

- (a) Ensure, inter alia, that persons deprived of their liberty are aware of their rights and have the opportunity to complain;
- (b) Establish an independent mechanism to investigate alleged torture or ill-treatment; and
- (c) Allow for and provide regular and confidential access to persons deprived of their liberty by competent individuals and bodies such as the

**judges of competent courts, the Office of the Ombudsman and non-governmental organizations.**

(...)

21. While noting the efforts made by the State party to combat trafficking for sexual slavery, the Committee is concerned that only a small number of cases have actually been investigated and prosecuted and that mainly fines and light sentences have been imposed in the cases that have been pursued. The Committee is also concerned about the alleged complicity of the police and border authorities. In addition, the entity-level laws, i.e. the criminal codes and criminal procedure codes, are not fully harmonized with the federal-level legal provisions.

**The State party should:**

**(a) Take the necessary measures to ensure that all law enforcement officials fully and promptly investigate all alleged cases of trafficking in persons and that offenders are prosecuted;**

(...)

24. The Committee requests that the State party provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 10, 11, 15, 19 and 21 (a) above.

(...)

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