# Inventory of security sector reform (SSR) efforts
## In developing and transition countries

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## Algeria

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<tr>
<td>Defence force</td>
<td>A joint 10-year modernisation programme was launched in 2001 with Russia to improve military technology by utilising Russian experts and purchasing Russian military hardware. After 2001, US-assisted training programmes were initiated for military officers. These included sending Algerian officers to Professional Military Education Courses, English language training, and awareness-increasing activities about democratic governance and civil-military relations.</td>
<td>Pravda (2001), US Department of State (2003)</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The President holds the post of the Minister of Defence. In August 2004, the post of General Secretary was created in the Defence Ministry with a presidential decree. There exists no civilian Minister of Defence.</td>
<td>Dillmann (2005)</td>
</tr>
<tr>
<td>Police force</td>
<td>Two projects are being implemented with EU assistance under Euro-Mediterranean Partnership. In January 2001, a Programme for “Support to Modernisation of the Police” started for 50-month period and with a 8-million budget aimed at providing equipment and training. For the 2005-2006 period, Police II Project was initiated with a 10-million budget, which aimed to train the border control police.</td>
<td>European Commission (2004)</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards</td>
<td>The paramilitary forces have done much of the fighting during the civil war and their number has increased from 30,000 in 1986 to 181,200 in 2004. These forces are the gendarmerie (60,000), the Directorate of National Forces (20,000), the Republican Guards (1,200) and Legitimate Defence Groups (100,000).</td>
<td>Cordesman and Burke (2004)</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
<td>CIA Factbook</td>
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<tr>
<td>Penal justice</td>
<td>In October 2004 the new Penal Code was passed, which criminalized both torture and sexual harassment for the first time. The country is in the process of reform since 2004 including the revision of penal procedures, prison reform, review of the competence of judicial bodies and the Ministry of Justice. The new Civil Code and Anti-Corruption Draft Law are under discussion in Parliament</td>
<td>Carnegie Endowment (2005), US Department of State (2004)</td>
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<tr>
<td>Parliamentary oversight bodies</td>
<td>Historically, the armed forces have had a high degree of influence over politics. However, a recent trend towards more civilian control is reported as the role of the military in decision-making was reduced after the 1999 elections. In the April 2004 elections, the Armed Forces Chief of Staff ordered all members of</td>
<td>US Department of State (2004)</td>
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the military to maintain strict political neutrality and a law was passed to prevent the security forces from voting in their barracks. Despite the efforts to assert civilian control, the military remain important decision-makers in the country.

| Legal framework | In March 2003, significant reforms were initiated to revise the role, power and structure of the judiciary by granting more authority to prosecutors, introducing administrative and commercial courts, starting a thorough review of civil and penal code and establishing penitentiary reforms focusing on prisoner rights. The Constitution states that the judiciary is independent, however in practice some problems exist with the President having control over the judiciary as being the head of the High Council of Magistracy, which is responsible for the appointment and the disciplinary matters of the judges. | Carnegie Endowment (2005), US Department of State (2004) |

References:


Pravda http://english.pravda.ru/economics/2001/05/28/6116.html

US Department of State http://www.state.gov/g/drl/rls/hrrpt/2004/41718.htm

US Department of State http://www.state.gov/t/pm/rls/rpt/fmtrpt/2003/21229.htm
### Egypt

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<tr>
<td>Defence force</td>
<td>More than $50 billion in U.S. aid has flown into Egypt since 1978, contributing to a thorough modernisation of the Egyptian armed forces, which was saddled with outdated Soviet equipment. Egypt is the world largest recipient of US military aid. Today, Egypt has one of the best-trained, best-supplied military forces in the Arab world. During the 1980s, the armed forces implemented a program to improve the quality and efficiency of its defence system by introducing modern armaments while reducing the number of personnel. Plans called for a reduction in army strength by 25 percent.</td>
<td>CSIS 2003, GlobalSec. 2005</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found) No civil management and control of the armed forces; The Ministry of Defence is run by the military. The armed forces manage themselves with the support of the ruling elites.</td>
<td>Luethold 2004</td>
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<tr>
<td>Police force</td>
<td>(No relevant information found)</td>
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<tr>
<td>Paramilitary forces, including border guards</td>
<td>The Frontier Corps, a lightly armed paramilitary unit of about 12,000 men, mostly Bedouins, is responsible for border surveillance, general peacekeeping, drug interdiction, and prevention of smuggling. In the late 1980s, the army equipped this force with remote sensors, night-vision binoculars, communications vehicles, and high-speed motorboats.</td>
<td>GlobalSec. 2005</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<td>Penal justice</td>
<td>In early 2003 President Mubarak announced a reform package to be introduced into parliament. The bills proposed abolishing the controversial State Security Courts that fall far short in complying with international standards of fair trial, abolishing the hard labour penalty, and establishing a National Council on Human Rights. Supporters hailed the initiatives as evidence of the regime’s capacity for reform and Egypt’s efforts to align its justice system with international legal standards. Critics have however discounted these “reforms” as simply cosmetic tinkering. The bills were passed on 17 June 2003. In September 2003, the ruling National Democratic Party (NDP) submitted a discussion paper entitled “Citizenship Rights and Democracy: an invitation to participate” inter alia arguing for further reform under the heading “providing effective justice to citizens”. In January 2004 the Shura Council, Egypt’s Upper House, announced the creation of the National Council for Human Rights (NCHR) headed by former UN Secretary-General Boutros</td>
<td>ICG 2003, AI 2004</td>
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<tr>
<td>Parliamentary oversight bodies</td>
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### Legal framework

In 1969 President Nasser dismissed over a hundred sitting reformist judges who had called for greater freedoms safeguarded through an independent justice and the rule of law. This and the subordination of the judiciary to the executive were later referred to as the “massacre of the judiciary”. Under Nasser’s successors, the Egyptian regime has gradually reversed most of the steps undertaken in 1969. On several occasions, judges have put forward reform proposals that go beyond the regime’s initiatives. In 1986, the Judges Club sponsored a “National Conference on Justice” that issued far-reaching recommendations for legal reform. In 1991, the Judges Club developed a comprehensive draft law for the judiciary. For the most part, these judicial initiatives received little response. The proposed draft law was updated in December 2004. It is designed to eliminate the executive’s remaining authority over the judiciary (i.e. fiscal autonomy, control over judicial discipline).

A group of Egyptian intellectuals have formed a “National Assembly for Democratic Transformation” (al-Tagammu al-Watani li-l-Tahawwul al-Dimuqrati) that aims to foster debate about a new constitution. According to the group's mission statement released on June 4, 2005, a “co-ordination committee” composed of prominent Egyptian figures will be formed first to consult with all political forces in the formation of the national front. The group is led by former prime minister Aziz Sidqi.

### References:

- **AI 2004**  
  Amnesty International, Country Report 2004:  
  http://web.amnesty.org/web/web.nsf/print/83D6D3A4C05E1C4480256FF1005653C5

- **ARB 2005**  
  Arab Reform Bulletin, June 2005:  


# Jordan

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<tr>
<td>Defence force</td>
<td>Jordan is the Arab world’s second largest recipient of US military aid after Egypt. The Jordanian Armed Forces is made up of approximately 107,000 regular forces, and their expenditure for 2004 was estimated at about US$0.56 billion, a figure which in 2002 amounted to 8.2% of the GDP. The Jordanian Armed Forces (JAF) is divided into the following sections: the Royal Jordanian Land Force, the Royal Naval Force, the Royal Jordanian Air Force, and the Special Operations Command or SOCOM. Military expenditure in Jordan has increased by 6% between 2002 and 2003. In 2003 it received US $ 450 millions in military aid from the United States and has conducted large-scale joint military exercises with US troops. The military is regarded as particularly loyal to the Jordanian monarchy and to be a primary reason for that monarch’s long-term survival. In a recent address by the Petra News Agency, King Abdullah stated that the military and security forces would protect the envisioned reforms plans for Jordan. Furthermore, he pledged that the military would be provided with expertise, firepower, training and equipment. Government sources said that Jordan has been modernising the military and security forces amid the insurgent threat from neighbouring Iraq and Syria. Their tasks involve the external defence of the state, but are also preoccupied with maintaining internal stability. A recent DCAF study points out that the Jordanian security sector is politicised and often sees itself as the “guardian, protector, and stronghold of Jordanian nationalism...” Jordan has forces deployed in Afghanistan, Congo, East Timor, Ethiopia and Eritrea, as well as observers in Georgia, Tajikistan and Iraq.</td>
<td>DCAF</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
<td>DCAF</td>
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<tr>
<td>Police force</td>
<td>The establishment of a police force that was independent from the Jordanian Armed Forces happened in 1956 and as a result the Jordanian Police Force has remained “militaristic” in character. Most of the directors of the Jordanian Department of Public Security have come from the Jordanian Armed Forces, and the rank system that is used in the police is identical to the one used by the Jordanian armed forces. The main duties of the police as stipulated by law,</td>
<td>DCAF(b)</td>
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is to maintain public security through the maintenance of order and security and to protect the lives and property of the Jordanian population. There are reports of human rights abuses by security forces such as the police. In the attempts at generally reforming and liberalising Jordan, in May 2003, the Public Security Department opened specialised offices throughout the country in which citizens may lodge complaints about alleged police misconduct.

<table>
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<tr>
<th>Non-state security actors</th>
<th>There is a number of opposing factions in Jordan. It is unclear to what extent SSR has impacted them.</th>
</tr>
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| Intelligence services | The General Intelligence Department (GID) is regarded as one of Jordan’s most powerful institutions. It is said to yield significant influence, interfering frequently in Jordanian politics and with the press. The Jordanian Intelligence services are liked to the Prime Minister, the Director of the General Intelligence Department is appointed by royal decree. The General Intelligence Department has claimed to be the first intelligence agency in the Middle East to go “public” and open a website offering a glimpse of history, doctrine and responsibilities of the GID. In 1996, an Anti-Corruption Department was created in the GID. |

| Penal justice | Jordan has several types of courts. Civil courts have jurisdiction over civil and most criminal cases. The Constitution provides for an independent judiciary; however, in practice, it remained susceptible to political pressure and interference by the executive. The executive branch and security forces are said to affect the outcome of cases regularly, whether by influencing the assignment of judges to specific matters, directly instructing judges on how to rule, or overturning decisions. Created by King Abdullah, the National Agenda institutionalises Jordan's political reform processes, and enshrines his vision of modernisation, development, and reform. To lead this initiative, the government created committees for various national reforms composed of experts tasked with among other things examine judicial reform. The Jordanian Minister of Justice stated in February 2005 that several objectives of the 2004 judicial upgrading strategy had been implemented successfully. Initiated in 2004, a two-year judicial upgrading strategy has been created to improve the overall performance of the judiciary in Jordan. These reforms focus on improving the performance of the judiciary in general, supporting civil society and strengthening the competitiveness of the national economy, while maintaining a fair and independent justice system. One of the major accomplishments, according to the government included drafting a judicial code of conduct, developing a system of store case files and computerising a database of cases. Furthermore, the Jordanian government plans to share their experiences, challenges and achievements of these reforms with other Arab countries. |

| Parliamentary oversight bodies | In theory, the executive authority has full jurisdiction over all the affairs of the state, including the security sector, and this comes under the supervision of the parliament. However, the military, police, and internal security forces are |
directly under the control of the king and are not subject to meaningful civilian supervision, including parliamentary budgetary oversight. The defence expenditure is part of the government’s annual budget, but this is regarded a pure formality. Although Jordan has made significant progress in freedom of expression, the parliament’s limited role in security affairs is evidenced by the fact that none of the twenty permanent parliamentary committees has been assigned responsibility for defence or security. The legal parliamentarian committee has the authority to oversee legislation that does not fall under the jurisdiction of any other committee, thus security sector related legislation could be examined by the legal committee.

Similarly, although there exists a public security law and it also specified in the constitution that the Director of Public Security should report to the Minister of Interior, responsible for the police force in parliament, this director instead report to the King.

Legal framework

Following the September 11 2001 attacks, Jordanian authorities made changes to the Penal Code expanding the definition of “terrorism”, introducing numerous loosely defined offences, restricting freedom of expression and the press, and expanding the scope of offences punishable by the death penalty and life imprisonment. The new “Law Amending the Penal Code (Provisional Law no. 54, 2001) was promulgated through a provisional royal decree in the absence of Parliament, and became effective on October 2001, immediately after the approval of King Abdallah bin Hussein of Jordan. Amnesty International has expressed some deep concerns over these changes and their infringement on human rights.

References

AI

CIA

DCAF(a)

DCAF(b)

Jordan Times(a)  Rana Husseini. “Kingdom to share judicial reform experience with Arab countries...” Jordan Times, Sunday, February 6, 2005: www.jordanembassyus.org


Morocco

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<tr>
<td><strong>Defence force</strong></td>
<td>In January 2001 military pay was raised, with privates receiving the minimum national wage. Months later, in August, General El Kadiri, one of the leading figures of the regime, was appointed Inspector General of the FAR, after almost 20 years at the head of the foreign intelligence services. The increasing involvement of the Moroccan Navy in the fight against illegal immigration since 2002. On 11 September of that year the Royal Moroccan Navy launched two operations.</td>
<td>RIE 2003</td>
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<tr>
<td><strong>Defence ministry</strong></td>
<td>(No relevant information found)</td>
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<td><strong>Police force</strong></td>
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<td><strong>Paramilitary forces, including border guards</strong></td>
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<tr>
<td><strong>Intelligence services</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td><strong>Penal justice</strong></td>
<td>PRI's programmes in Morocco are focused on training prison staff, reforming young offenders’ detention centres and promoting alternatives to imprisonment. A prison staff training school was established in Morocco in 2000. It started providing large-scale training in 2002. During this year, PRI worked closely with the training school on introducing human rights at the core of the delivered training. Ongoing co-operation between PRI and the prison school led to course design, curriculum writing and training tools development. Within this framework, all prison school trainers attended a ‘training of trainers’ session organised by PRI. The Morocco prison population is mainly formed of young offenders incarcerated for petty offences, and the three Moroccan detention centres for young offenders are a priority. In 2002, PRI worked closely with the prison administration and Moroccan NGOs to strengthen the rehabilitation role that these centres should play. PRI’s main efforts went into training staff and NGO activists on human rights and international standards linked to young offenders, and setting strategic development plans to increase the centres’ ability to undertake their offenders’ rehabilitation work in line with human rights and international standards. PRI also provided limited material support to the centres for educational, recreational and vocational purposes. In 2002, PRI continued its promotion and lobbying effort for the adoption of alternatives to imprisonment in Morocco. Legislative changes occurred in 2002, PRI expects alternatives to imprisonment to be implemented in</td>
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<tr>
<td><strong>Sources</strong></td>
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<td>PRI 2003</td>
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Morocco is a constitutional monarchy with an elected parliament; however, ultimate authority rests with the King, Mohammed VI, who presides over the Council of Ministers, appoints or approves members of the Government, and may, at his discretion, terminate the tenure of any minister, dissolve the parliament, call for new elections, and rule by decree. The bicameral legislature consists of a lower house, the Chamber of Representatives, which is elected through universal suffrage, and an upper house, the Chamber of Counsellors, whose members are elected by various regional, local, and professional councils (members of whom are elected directly). The lower house of parliament also may dissolve the Government through a vote of no confidence. The security apparatus includes several overlapping police and paramilitary organisations. The National Police (DGSN), the National Intelligence Service (DST), and the Auxiliary Forces are departments of the Ministry of Interior. The Royal Gendarmerie reports to the Ministry of Defence. The Department of Royal Security reports to the Palace. Civilian authorities maintained effective control of the security forces.

### Parliamentary oversight bodies

Morocco in 2003. (No relevant information found)

### Legal framework

In theory, there is a single court system under the Ministry of Justice, however, other courts also operate including administrative courts, commercial courts, and the military tribunal. In January, the Council of Ministers approved a draft law dismantling the Special Court of Justice and transferring trials of government officials to the Appeals Courts. At the Government's discretion, serious state security cases such as those relating to the monarchy, Islam, or territorial integrity (advocating independence for the Western Sahara) may be brought before a specially constituted military tribunal, responsible to the military and the Ministry of Interior.

In October 2003, the Minister of Justice established family courts to adjudicate divorce and child custody cases in anticipation of proposed reforms to the Moudawana (personal status code). These courts addressed family issues for Muslim citizens, and the judges were trained in Shari'a (Islamic law) as applied in the country. By February, 160 judges had completed training in the reforms of the personal status code, and the Government reported that 20 family courts were operational. Plans called for the establishment of 70 family courts with 1 for each province. Jewish citizens dealt with family matters in their own courts.

On May 29, 2003, the Moroccan parliament, in a special session, passed the Law to Combat Terror. The new counter-terror legislation amended and added articles to the Penal Code and Criminal Procedure Code, and introduced a broad definition of terrorism. A list of specific acts can be classified as terrorist when they “are deliberately perpetuated by an individual, group or organisation, where the main objective is to disrupt public order by intimidation, force, violence, fear or terror.”

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US DOS HRR 2004

US DOS HRR 2004
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Real Instituto Elcano. The Role of the Royal Armed Forces (FAR) in Modern Morocco Carlos Echeverría (28/2/2003)  
http://www.realinstitutoelcano.org/documentos/68.asp

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Palestine

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<tr>
<td>Defence force</td>
<td>Reform of the security services has been the basic logic of the reform process in Palestine. Palestine security services lack professionalism and are ineffective. There have been different views on what constitutes SSR in Palestine. One vision is based on a ‘restructurist agenda’ (advocated by Israel and the US) and the other one, ‘the reformist agenda’ is supported by the Palestinian citizenry with backing from the EU. The PA security forces have a combined strength of something between 40,000 to 45,000 personnel. There have been some steps to cut down personnel. From 1994 onwards, the Palestinian security sector witnesses a process of organisational fragmentation that led to the rapid proliferation of statutory and non-statutory security orders. There have been substantial attempts at reforms. As of early 2005 the Palestinian Authority security apparatus is now comprised of six official agencies, and these include a Preventative section, a Civil Defence and a National Security Force. The army branch comprising the National Security and its subordinate “proto army components” include the Presidential Guard, Military Intelligence, Border Police and Naval police, who fall under the authority of the National Security Council (NSC)</td>
<td>Friedrich</td>
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<tr>
<td>Defence ministry</td>
<td>Until his death, Yasser Arafat retained power and control of the security forces, and frequently promised to restructure the security apparatus by reducing the number of forces and combating corruption. There is little evidence that significant reforms have taken place.</td>
<td>Jones &amp; Riley</td>
</tr>
<tr>
<td>Police force</td>
<td>In June 2002 Arafat streamlined the security apparatus by nominating a Minister of Interior to be in charge of three important arms: the police, the Preventive Security Service, and the National Security Service. He established a Ministerial Reform Committee by presidential decree. This Committee prepared, in co-operation with the international donors, a reform plan for Palestinian Authority institutions known as the “100 Days Plan.” This plan contained the donors’ views of required steps for the Authority to undertake on the path to reform. The most prominent components of this plan include 1. Firmly establishing the principles of separation of powers, rule of law, independence of the judiciary, and strengthening the judiciary system. 2. Restructuring ministries and Palestinian governmental bodies; 3. Restructuring the Palestinian security agencies and unifying the police, Preventive Security, and Civil Defence agencies under the authority of the Ministry of Interior.</td>
<td>GlobalSec. 2005, PHDR 2004</td>
</tr>
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</table>
The objective and aim of reform was to centralise command and control of the security apparatus and to supervise and implement security sector reform on all fronts. In addition, the plan called for considerable downsizing of forces, separation of powers, training and technical assistance, and the establishment of a National Security Council and the creation of real budgets and oversight committees with financial and budgetary powers.

Major steps achieved in relation to the security apparatuses include merging three security apparatuses within the Ministry of Interior and creating a Council for National Security. The Council co-ordinates and supervises reforms in the security apparatuses and monitors all security-related issues in the PNA-controlled areas.

Work is underway to train the security personnel and reorganise the security forces to enable them to carry out their functions. Several projects have been proposed in this regard. Jordan and Egypt would be responsible for developing and implementing the training program for these forces, in addition to providing institutional and NGO-directed training for security personnel on principles of human rights and democracy.

With American and European help, some of the security forces (notably the police) are putting together detailed reform plans. In April 2004 Mahmoud Abbas fired most of the old chiefs under a retirement scheme which would eventually get rid of 1,000-2,000 officers over 60.

| Non-State Actors | There are non-statutory Palestinian security actors, and these include the armed wing of Hamas, the armed wing of the Palestinian Islamic Jihad and an association of Fateh-affiliated militias. These actors have gained significant influence since 2000 due to the fragmentation of the PA’s central authority. | Friedrich |
| Intelligence services | The Palestinian Internal Security Forces are made up of at least two intelligence agencies, the Mukhabarat Salamah (General Intelligence) and the Istikhabarat al-Askariya (Military Intelligence.) | Jones & Riley |
| Penal justice | The Palestinian Authority’s law enforcement and judicial infrastructure has been eroded beyond what can be considered effective. A World Bank Study on Palestinian Judicial Reform concluded that the “Legal development, despite public statements to the contrary, has not been a priority of the Palestinian Authority.” The justice system has little independent power and accountability over the Palestinian security forces. The UNDP BCPR is currently assisting reform programs to support to judicial training centres. | Jones & Riley UNDP BCPR |
| Parliamentary oversight bodies | The National Security Council (NSC), the supreme Palestinian decision-making body in security affairs | |
has been placed under the authority of the Prime Minister, in accordance with the amended “Basic Law.” The NSC is planned to have twelve members, among them the ministers of interior, finance and foreign affairs, the commanders of the three main security branches and the head of the PLC Interior Committee, and will define structures, responsibilities and budgets of the PA security services as well as their security policy. The PA is also in the process of merging the twelve formal security agencies into three organisations.

**Legal framework**

Plans exist pass legislation setting out what each force is responsible for and to whom it answers. The “100 Days Plan” recommends to firmly establish the principles of separation of powers, rule of law, independence of the judiciary, and strengthening the judiciary system.

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Syria

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| Defence force   | The Syrian military remains one of the largest and best-trained forces in the Arab World. The Syrian Army has become an important instrument not only in stabilising domestic rule, but also promoting Syrian national interests in the region. However, its combat strength has deteriorated dramatically during the last decade, as its equipment has become increasingly obsolescent and poorly maintained. The collapse of the Soviet Union and the Syrian economic slow down greatly contributed to the decrease of military’s combat efficiency. President Bashar Al-Asad is commander in chief of the Syrian armed forces, which is made up of 400,000 troops upon mobilisation. The military is a conscripted force; males serve 30 months in the military upon reaching the age of 18. Syria received significant financial aid from Gulf Arab states as a result of its participation in the Gulf War, with a sizeable portion of these funds strictly allotted for military spending. Besides sustaining its conventional forces, Syria seeks to develop its weapons of mass destruction (WMD) capability. The death of President and Chief Military Commander Hafiz al-Asad, and the rise of his son as his successor has raised many questions about the future role of Syria’s army. In 2002, it was reported that there were rumours that there would be purges of upper and middle echelons of the military and security services to remove members of the “old guard.” In 2002 sources reported that Syrian commanders would be sent to Russia for training with new tanks, aircraft and air defence systems that Damascus was planning to purchase in the near future. The latest known development of Syrian troops is their withdrawal from Lebanon. When former Prime Minister of Lebanon Rafik Hariri was assassinated in Beirut on February 14th 2005 by a car bomb, Syria was forced by the international community as well as Lebanese opposition to withdraw from Lebanon. At the end of April 2005 the last Syrian soldier left the country. The regime of President Bashar Assad came under severe strain over this decision, as sources said elements of the military had refused to follow the orders for the pullout of troops. | Zisser  
Bennet  
US DOS  
Gambill  
CNN  
World Tribune |
| Defence ministry| Mustafa Tlass, a member of the “old guard” with ties to the late Hafez Assad, was recently removed as Defence Minister. Syria has been on the U.S. list of state sponsors of terrorism since the list's inception in 1979. Because of its continuing support and safe haven for terrorist organisations, Syria is subject to legislatively mandated penalties, including export sanctions and ineligibility to receive most forms of U.S. aid or to purchase U.S. military equipment. | Gambill  
US DOS |
| Police force    | The Ministry of Interior in the past few years has also undergone some shifts. During a cabinet shuffle in December 2001, the interior minister was replaced. It was also reported that the Interior Ministry would eventually assume |
some of the responsibilities previously carried out by various security agencies. Not much other information is known about the Syrian police, except that they are often used to control dissent and are reportedly engaged in human rights violations.

**Non-state security actors**

The US Department of State believes that Syria supports terrorist groups, especially anti-Israel terrorist groups such as Hizballah. There are also Islamic militants present, which often clash with Syrian security forces. The decision to pull back forces from Lebanon is said to have sparked a rebel faction led by the Syrian Interior Minister Ghazi Kanaan and Firas Tlas, the son of former Defence Minister.

**Intelligence services**

In early 2002, Syrian President Bashar Assad launched a massive shake-up of the country’s military intelligence complex and ousted several members of the so-called “Old Guard”. However, it is believed that the infusion of new blood into the security apparatus will not dramatically enhance prospects for political and economic liberalisation unless the Syrian President reduces the power of the security apparatus as a whole. A Sunni Muslim was appointed to the military-intelligence agency, which to some is intended to restore a bit of “sectarian diversity” to a previously Alawites-dominated agency.

**Penal justice**

(No relevant information found)

**Parliamentary oversight bodies**

Supported of the current president believe that he is slowly seeking to shift power from the security agencies to a civilian cabinet.

**Legal framework**

(No relevant information found)

**References**


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<th>Source</th>
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<tr>
<td>World Tribune</td>
<td>World Tribune. “Syrian military split on pullback; Opposition reports Assad has fled.” <a href="http://www.worldtribune.com/worldtribune/05/breaking2453446.816666667.html">http://www.worldtribune.com/worldtribune/05/breaking2453446.816666667.html</a></td>
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## Tunisia

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<tr>
<td>Defence force</td>
<td>According to the US Department of State, the Tunisian military is a professional force and generally does not play a role in politics. However, there are reports that the Tunisian security forces physically abuse, intimidate, and harass citizens who voice publicly criticise the government. Credible NGOs stated that the incidence of violence committed by security forces against the property of human rights activists have increased. Over the years, Ben 'Ali has dramatically expanded Tunisia's internal security apparatus. In September of 2005 it has been reported that EADS and the Tunisian Ministry of Interior have signed an agreement and will build a control station in Tunisia for the country’s security forces.</td>
<td>US DOS(a)</td>
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<td>US DOS(b)</td>
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<tr>
<td>Defence ministry</td>
<td>The Ministry of Interior controls the majority of the security services in Tunisia, and it is said that in civilian authorities maintain effective control of all security forces. Within the ministry, there are several law enforcement organisations, including the police, who have primary responsibility within the major cities; the National Guard, which has responsibility in smaller cities and in the countryside; and state security forces tasked with monitoring groups and individuals the Government considers threatening, such as the media, Islamists, human rights activists, and opposition parties and leaders. It is widely believed that the Ministry of Interior monitors the communications of those groups and individuals, and there are a large number of plainclothes police throughout the country. Experts claim that this growth has taken place outside of the Interior Ministry and other official police forces. They further argue that Ben 'Ali has used a slush fund, labelled the &quot;sovereignty fund&quot; in the budget, to build up a parallel security apparatus run directly from the presidential palace.</td>
<td>US DOS(b)</td>
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<td>MERP</td>
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<tr>
<td>Police force</td>
<td>The police share responsibility for internal security with the National Guard and other state security forces. In general, law enforcement groups are disciplined, organised, and effective. However, there were episodes involving petty corruption, including the solicitation of bribes by police at traffic stops, and police brutality against individuals whose behaviour was deemed &quot;provocative.&quot; Human rights activists believe that law enforcement organisations operate with impunity and that high officials plan attacks on dissidents and opposition which the police then carry out. No other relevant reforms noted.</td>
<td>US DOS(b)</td>
</tr>
<tr>
<td>Non-state security actors</td>
<td>(No relevant information found)</td>
<td>US DOS(b)</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>It is reported that in Tunisia, the <em>mukhabarat</em> (the intelligence agency) constitutes the state’s most advantaged</td>
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</table>
A bastion of elite privilege and guardian of regime interests. The Tunisia’s security apparatus, once modest by Arab world standards, has ballooned under President Ben Ali, himself a military man. Under the Ministry of Telecommunications exist the Tunisian Internet Agency (ATI), which monitors and censors “cyber-dissidents.” The Tunisian government runs one of the world’s most extensive internet censorship operations.

### Penal justice

The judiciary is nominally independent but responds to executive direction especially in political cases. Security forces arbitrarily arrested and detained individuals. Amnesty International also has reported in 2002 that civilians were being tried before military courts and these individuals were not obtaining a fair trial. International observers have not been allowed to inspect prisons, and lengthy pre-trial, and sometimes incommunicado, detention remains a problem. AI published a report entitled "Tunisia: the Cycle of Injustice," stating that prisoners faced prolonged solitary confinement, medical neglect, torture, ill treatment, and humiliation, as well as the violation of other basic rights. It also highlighted continued government harassment of former prisoners after they are released.

It has been reported that the EU has given Tunisia large amount of human rights funding for 2002-4. For example, despite objections from the Tunisian government, the EU offered new funding for the Ligue Tunisienne des Droits de l’Homme; The UNDP BCPR is currently supporting reform programs for participatory governance and administration of justice.

### Parliamentary oversight bodies

(No relevant information found)

### Legal framework

Amnesty International reports a serious problem with law 2000-43 of April 17 2000 which modified provisions of the Penal Code. This allows civilians to be tried in military courts and they are therefore deprived their right to appeal.

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- **CEPS** Richard Youngs. “THE EUROPEAN UNION AND DEMOCRACY IN THE ARAB-MUSLIM WORLD.” CENTRE FOR EUROPEAN POLICY STUDIES, WORKING PAPER NO. 2, NOVEMBER 2002
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# Yemen

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>North and South Yemen had received military help from the former communist bloc. More recently, Yemen has relied on the World Bank, IMF, the EU, several European and Gulf countries, Japan, and the U.S. for loans and grants. After the 1994 civil war, northern and southern troops were merged into a single Yemeni military. Additionally, the Yemeni military was scaled back in recent years. In response to the kidnapping of foreigners in 1998, Special Forces were established and initially trained by Jordanian officers. US military advisers are reported to have offered training to these troops in the spring of 2002. U.S. assistance reflects the growing fear that Yemen is becoming an unwitting harbour for terrorist groups. Military aid, which amounted to $200,000 in 2001, reached $2,700,000 in fiscal year 2003. Several tens of millions of dollars were additionally provided to Yemen as part of American military assistance to “frontline states” in the “war on terrorism”. Additionally, Washington provides anti-terrorism training to the security forces.</td>
<td>ICG 2003</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>The Supreme National Committee for Human Rights (SNCHR) undertook several human rights educational projects, including human rights workshops for police officers and other security officials since 1997. In 2000, the parliament passed a revised Police Law, which established the mandate, duties, and procedures for police. Moreover, the government created a female police force and developed regulatory guidance for their activities to better respond to the needs of female prisoners and female victims of crimes.</td>
<td>DOS 2001</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards</td>
<td>The US has helped to install surveillance systems at airports and border crossings. 3,000 US-trained Yemeni troops have deployed in rural areas to hunt for militants. Moreover, Washington plans to assist Yemen in setting up a coast guard to prevent infiltration.</td>
<td>ICG 2003</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>In 1998 and 1999, Penal Reform International (PRI) conducted a fact-finding mission to Yemen and, with support of a foreign embassy and the government and with the assistance of HRITC, organised prison management training workshops for prison and security officials. In 2000 the government issued directives intended to align the country’s arrest, interrogation, and detention procedures with internationally accepted standards. These directives were implemented in practice and encompassed the following measures: 1) The MOI created detention and interrogation centres in each governorate to prevent suspects from being detained with convicted criminals; 2)</td>
<td>DOS 2001</td>
</tr>
</tbody>
</table>
Police and prison officials were formally instructed that detainees be provided adequate food, that prisoners be released upon completion of their sentences, and that juveniles be incarcerated in facilities separated from adults. In 2000 the president appointed a high-level inter-ministerial committee, chaired by the Minister of Interior, to inspect all major prisons, both to identify illegally held prisoners and to investigate conditions. The inspection committee immediately released persons being held illegally and developed recommendations for reform. Moreover, the International Committee of the Red Cross (ICRC), with the government’s full co-operation, conducted a comprehensive inspection of the country’s major prisons and acknowledged the government’s commitment to penal reform. Dr Fare’e, the female minister of the Human Rights Ministry, created in April 2000, identified prison reform as one of her priorities.

Several initiatives to reform women’s prisons were undertaken by the Human Rights Information and Training Center (HRITC), by the al-Afif Young Girls Forum, and the Ministry of State for Human Rights in association with the International Human Rights Legal Group and the Arab Human Rights Forum.

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<tr>
<th>Parliamentary oversight bodies</th>
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<tr>
<td>Legal framework</td>
<td>Since 1997, the government implements a comprehensive long-term program for judicial reform. Foreign donors provide assistance in implementing the program. The program is intended to improve the operational efficiency and statutory independence of the judiciary by placing reform-minded personnel into the courts; forming an inter-ministerial council to oversee the reform project; publishing a judicial code of ethics; and making the Supreme Council smaller, more efficient, and less corrupt. In 1999 a UNDP team conducted an assessment that served as a basis of a second judicial reform program, which began in January 2000. The programs goals were to modernise Ministry of Justice equipment, improve the country’s legal libraries, provide special training for the Attorney General’s office, enhance public awareness of the rule of law, and secure a building for the Supreme Court. A third judicial reform program, financed by international assistance, was initiated in January 2000. This program is ongoing and focuses on the Ministries of Justice and of Legal and Parliamentary Affairs and is to provide training in business and commercial law for judges; a diagnostic study of judicial education curriculum; training on drafting of legislation; and a review of the country’s commercial laws to identify and correct inconsistencies or close gaps.</td>
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Inventory of security sector reform (SSR) efforts
In developing and transition countries:

Europe

Turkey
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<tr>
<td>Defence force</td>
<td>The Military Penal Code was modified as a part of EU reforms in 2003. The custody and interrogation procedures became closer to the civilian procedures, death penalty was abolished from the military penal code. The modernisation of the military forces to cope with new threats is considered a priority and is an ongoing process.</td>
<td>Ministry of Defence (2000), Zaman Daily Newspaper (30 May 2003)</td>
</tr>
<tr>
<td>Defence ministry/ General Staff/ NSC</td>
<td>Within the context of the democratisation project, some changes were made in the duties, composition and legal status of NSC. The number of its civilian members were increased, a civilian Secretary General was appointed, the advisory status of the NSC in national security matters was stressed and the number of the NSC meetings decreased from once a month to once every two months.</td>
<td>Official Gazette (7 August 2003)</td>
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<tr>
<td>Police force</td>
<td>As a part of the adjustment to EU norms, some limitations were placed upon the police in conducting searches on suspects. With the law that came into force on 9 August 2002, the police now need a written order from the court or the written permission of the highest administrative authority in the region in urgent situations, in order go over the documents, belongings of a suspect or to search the suspect themselves.</td>
<td>Official Gazette (9 August 2002)</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards</td>
<td>Border Guard regime in Turkey is managed by the gendarmerie. This issue is a matter of criticism by the EU, who requires that border control should be transferred to a professional non-military body. The EU also emphasises the effectiveness of border control units in the fight against illegal immigration and human trafficking. However, although an inter-departmental working group within the Ministry of Interior was set up to prepare a strategy for harmonising the law and practice with the EU Acquis, there exists no sign of reform at the moment.</td>
<td>Ümit Cizre, (2004)</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>A department was established in the National Intelligence Agency, responsible for informing the press about the activities of the institution with the purpose of increasing transparency and accountability in 2001.</td>
<td>National Intelligence Agency</td>
</tr>
<tr>
<td>Penal justice</td>
<td>As a result of the reform demands from the EU, there was extensive reform in the penal code. The State Security Courts were abolished and replaced by specialised Heavy Penal Courts. The death</td>
<td>Official Gazette (19 July 2003,)</td>
</tr>
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penalty was abolished officially on 22 May 2004, the supremacy of international law over domestic law was recognised regarding the cases of fundamental rights and freedoms with the same law. Since 19 July 2003, the right of re-trial after ECHR decisions are acknowledged, the trial age was raised to 18 from 15 in juvenile courts. Definitions of terrorism and terrorist were narrowed down with the purpose of increasing democratic freedoms.  22 May 2004)

<table>
<thead>
<tr>
<th>Parliamentary oversight bodies</th>
<th>In 2003, more powers were given to the parliament in terms of the oversight of the budgets and expenditures of state institutions, except the Presidency. For the armed forces, the procedure for oversight would be confidential and be determined after consulting with the Chief of General Staff. With the law that came into force on 22 May 2004, this provision was changed and the property and the budget of the armed forces became subject to civilian judicial review.</th>
<th>Official Gazette (7 August 2003, 22 May 2004)</th>
</tr>
</thead>
</table>

| Legal framework | A comprehensive ECHR training programme involving all judges and public prosecutors in Turkey was carried out to increase their awareness about ECHR decisions in their cases. the National Judicial Network Project was applied to increase technological facilities. | Report of the European Commission (2003) |

**References:**

Ministry Of Defence www.msb.gov.tr (White Book on Turkey’s Security Strategy)

Zaman Daily Newspaper www.zaman.com.tr

Official Gazette www.rega.basbakanlik.gov.tr


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Inventory of security sector reform (SSR) efforts
In developing and transition countries:
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<tr>
<td><strong>Defence force</strong></td>
<td>The Angolan Armed Forces (FAA) are responsible for external security and have internal responsibilities as well. Members of the Forces committed numerous human right abuses. Members of the FAA are accused of arbitrary detention. One of the major tasks for the Angolan government after ending the civil war in 2002 is to demobilise the numerous armed groups and to build up appropriate defence policies, structures and processes. The armed forces used children as soldiers and “wives” during the civil war.</td>
<td>US DOS 2004, DST</td>
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<td><strong>Defence ministry</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td><strong>Police force</strong></td>
<td>The Police Forces that are responsible to the Ministry of Interior committed numerous crimes and human right abuses. Particularly imprisoned persons suffer from rape, beating and other forms of mistreatment. There are several reported cases of disappeared persons, detained by the police. NGOs provided human rights training to the security forces. The Police Forces are employed to disarm the former rebel forces and the civil population in general.</td>
<td>US DOS 2004, APM 2003</td>
</tr>
<tr>
<td><strong>Paramilitary forces, including border guards, Private security forces</strong></td>
<td>The Angolan Armed Forces (FAA) are responsible for border security. Congolese people that tried to cross the river that separates the countries were shot by the Security Forces. NGOs have provided human rights training to the security forces. The police forces participated in professional training with security Forces from other countries. There are numerous PMC and PSC active in the country to protect mining sites or to train security forces. Strong interests of the US government led to the substitution of Executive Outcomes by MPRI in the 1990s.</td>
<td>US DOS 2004, POS</td>
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<tr>
<td><strong>Intelligence services</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td><strong>Penal justice</strong></td>
<td>The judiciary remains influenced by the executive. It functions poorly and does not guarantee due processes. The whole judicial system is understaffed. Prolonged pre-trial detention and backlogs of cases remain a problem in the judicial system. Judges and other persons employed in the judiciary often do not have a proper education. The Ministry of Justice increased efforts to train the personnel to serve as magistrates.</td>
<td>US DOS 2004</td>
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</table>
Prison System

Prison conditions remain disastrous and life threatening. Inmates are beaten, tortured and abused by security forces. The cells are overcrowded and contain up to the quintuple of the inmates they were built for. The government reacted on those conditions, and reformed and expanded the Viana prison in 2004. Additionally prisons lack the provision of proper alimentation and medical attention. Prison conditions in remote areas are described as even worse. Security Forces try to profit themselves by robbing prison inmates or by making them pay for weekends passes to which they are entitled to. Although female prisoners are held separately from males, there are numerous reports of abuses by the security personnel. Juvenile prisoners are held with adults and suffer from abuse as well.

Parliamentary oversight bodies

(No relevant information found)

Legal framework

The creation of a Constitutional Court is expected to take place after the implementation of a new constitution. This is expected to take place after the announced legislative elections in 2006. Public debates are held about possible constitutional reforms, essential to the upcoming elections. Unfortunately the progress over reforms have slowed down by disputes over procedures, timing and content. Efforts to reform laws governing land and property are not far reaching enough to protect the interest of the population.

References


POS Abdel-Fatau Musah, Privatization of Security, Arms Proliferation and the Process of State Collapse in Africa, 2002


### Benin

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<td><strong>Defence force</strong></td>
<td>Despite some concerns about lack of morale, the armed forces continue to play an apolitical role in governmental affairs. Indeed, there seems to be a strong commitment by both civilian and military leaders toward sustaining democratic civil-military relations. For example, in 2002 the military convened a conference for civil society, civil administration, NGOs, and the media on civil-military dialogue. It has also organised seminars with civilian leaders to discuss specific issues of mutual interest, including revisions to the military code of justice. The United States’ International Military Education and Training (IMET) programme supports Benin in developing a professional, non-political and well-trained military force. In particular, IMET training courses focus on civil-military relations, English language training and technical speciality training. Benin has contributed to peacekeeping operations in Ivory Coast Liberia and the Democratic Republic of Congo.</td>
<td>USDOS 2005&lt;br&gt;OECD 2003</td>
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<tr>
<td><strong>Defence ministry</strong></td>
<td>The Defence Minister and Chiefs of Staff are said to have regular interactions with the parliamentary defence committee. Since 1998 the Konrad-Adenauer-Foundation (KAS) runs a programme on promoting civil-military relations in Benin. As part of this, between 29 March and 1 April 2005 it organised a seminar on “Integrating the security sector into democratic state structures”, which was attended by approx. 35 staff officers and politicians dealing with defence-related matters. KAS plans to expand its programme between 2005 and 2007.</td>
<td>OECD 2003&lt;br&gt;KAS 2005</td>
</tr>
<tr>
<td><strong>Police force</strong></td>
<td>Several civil society groups are beginning to exercise a “watch-dog” function with regard to abuses conducted by security institutions, particularly the police. As a result, security forces are being increasingly held accountable for unlawful behaviour. However, in 2004 they still committed some human rights abuses. There were credible reports that the police sometimes beat suspects, and at times the authorities arbitrarily arrested and detained persons. As the US State Department points out, the police forces “were poorly equipped and trained”. Wide-spread corruption also remained a problem. In response to these shortcomings, the government took steps to recruit more officers, build more police stations and modernise equipment. In 2004, several police officers accused of corruption were dismissed.</td>
<td>OECD 2003&lt;br&gt;US DOS 2005</td>
</tr>
<tr>
<td>Non-state security actors</td>
<td>A high degree of criminality has provoked the emergence of many private security firms, which usually employ demobilised personnel from the armed forces. Unlike in other African countries, private security companies and state security forces tend to co-operate rather closely.</td>
<td>OECD 2003</td>
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<tr>
<td>Intelligence services</td>
<td>“All sectors of the security forces – including the once-dreaded Intelligence (Petit Palais) – are making extraordinary efforts to restrain themselves in conformity to new human rights legislation.”</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Penal justice</td>
<td>Overcrowded prisons, delayed trials, lack of judicial staff and some perception of judicial corruption remain big challenges.</td>
<td>OECD 2003 US DOS 2005</td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>“The Beninois Assembly is gradually emerging as an important source of oversight, particularly in relation to the military budget. While it has not initiated any independent legislation on defence policy, it has reviewed, debated and amended those submitted to it by the executive branch.”</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Legal framework</td>
<td>(No relevant information found)</td>
<td></td>
</tr>
</tbody>
</table>

**References**

KAS 2005  
Konrad Adenauer Stiftung: [http://www.kas.de/proj/home/events/20/1/veranstaltung_id-14723/index.html](http://www.kas.de/proj/home/events/20/1/veranstaltung_id-14723/index.html)

OECD 2003  

US DOS 2005  
US Department of State, Human Rights Report.

US DOS 2005a  
## Burkina Faso

<table>
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<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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</table>
| **Defence force** | France supports the development of Burkina Faso’s armed forces since independence through the direction de la coopération militaire at de défense (DCMD), which is attached to the French Ministry of Foreign Affairs. However, there is no information available as to whether this support included security sector reform measures. Burkina Faso also receives military aid from the International Military Education and Training (IMET) programme of the United States. According to the State Department, IMET funds are “intended to establish English language labs and training. In addition, the funding will focus on civilian control of the military, respect for human rights, the role of the military in a democracy and military justice.” | MDAE 2005  
US DOS 2005a |
| **Defence ministry** | The Ministry of Defence controls the armed forces and the paramilitary gendarmerie, which is also responsible for some aspects of internal security. The Poverty Reduction Strategy Paper (PRSP) of Burkina Faso states that by 2006 it is planned to run a “public awareness campaign on the legal texts governing the respect for the rights of man and human rights” within the MoD. From the 21 to 31 October 2001 staff from the MoD and the armed forces participated in an international workshop on “Promoting Civil Military Relations in Africa: A Factor for Peace and Security”, which was held in Lome/Togo and was organised by the United Nations Regional Centre (UNREC) for Peace and Disarmament in Africa. The organisers received financial assistance from the embassies of France, Germany and the United States in Togo. | PRSP 2000  
DCAF 2005 |
| **Police force** | The National Police is controlled by the Ministry of Security, the municipal police by the Ministry of Territorial Administration. With regard to the safeguarding of persons and property, the Government adopted in October 2001 a public safety plan, which provides in particular for “increased mobility and intervention capability on the part of security forces, and an improved degree of security coverage for rural and urban areas. Over the 2004-2008 period, the main actions envisaged by the Government pertain to:  
- Improvement of means of transportation and information transmission through the purchase of service vehicles and transmitting equipment for internal security forces;  
- Protection and defence of operational units through the purchase of specific protection equipment as well as of arms and ammunition for internal security forces;  
- Rehabilitation, construction, and equipment of infrastructures for internal security forces;  
- Staff recruitment and training of policemen (5,000 officers), members of the gendarmerie (3,000 officers). | US DOS 2005  
PRSP 2000 |
officers) and national fire department (400 firemen);
- Purchase of vehicles and transmitting equipment for military units used for supplemental security.
The results anticipated are the following:
- Reduced intervention time of security forces;
- Reduced number of armed robberies and other types of crime;
- The radius of the average coverage area of security services drops from 60 km to 40 km."
According to the US State Department, in 2004 “security forces were responsible for some killings of criminal suspects.”
Security forces also continued to torture and abuse detainees. However, apparently “there were fewer such cases than in
previous years.” Corruption was widespread, particularly among lower levels of police. The government has established a
Committee Against Corruption in order to address corrupt practices within the police forces.

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<th>Non-state</th>
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<tr>
<td>Intelligence</td>
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| Penal justice | “There are four operational higher courts: The Supreme Court of Appeal; the Council of State; the Audit Court and Office; and the Constitutional Council. Beneath these higher courts are 2 courts of appeal and 18 provincial courts. There also is a High Court of Justice with jurisdiction to try the president and senior government officials for treason and other serious crimes. The military court system, which tried only military cases, was subject to executive influence. "In the PRSP the government has affirmed its commitment to human rights in the country. To this end it has adopted an Action and Orientation Plan for the Promotion and Protection of Human Rights in 2001 and established a Ministry of Human Rights in 2002. Operational programs for implementing the action plan were drawn up during 2003. The main themes of the action plan pertain to:
- Education in human rights, in order to ensure that citizens are adequately informed and aware of their rights and obligations, particularly through the dissemination of legal texts regarding human rights to certain target audiences such as the army, the police, and prison guards;
- Strengthening of the legal framework for human rights, in order to improve the standard guarantees and strengthen the institutions and bodies (and particularly the judicial branch) charged with defending or protecting human rights;
- Harmonisation of national legislation with the provisions of international treaties and accords officially ratified by Burkina Faso;
- Promotion, protection, and consolidation of civil and political rights, in order to facilitate the exercise of such rights and to promote a climate of peace, tolerance, and respect for human rights; |
| | US DOS 2005 |
| | PRSP 2000 |
• Promotion, protection, and consolidation of economic, social, and cultural rights, in order to extend the benefits thereof to the greatest possible number of citizens of both sexes;
• Promotion and protection of the rights of specific groups, and particularly those of women, children (efforts to combat all forms of child exploitation, promotion of children’s right to education), the handicapped, and other vulnerable and disadvantaged groups."

Furthermore, in 2004 the government undertook a review of the law on the organisation of the judiciary and the Code of Criminal Procedure. Beginning in 2005, it started to establish new court jurisdictions. The construction of new infrastructures for judicial services is expected to be concluded by 2006.

The government of Burkina Faso is also planning to implement a program to promote humane treatment of inmates in detention facilities and to develop a national policy of social reinsertion. However, despite these efforts prison conditions remained harsh in 2004. As the US State Department asserts: “Arbitrary arrest and detention were problems, and authorities on occasion did not provide detainees with due process. Systemic weaknesses in the justice system included the removable of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.”

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<tr>
<th>Parliamentary oversight bodies</th>
<th>(No relevant information found)</th>
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<tbody>
<tr>
<td>Legal framework</td>
<td>The government is planning a revision of the Constitution in order to give the executive branch the authority to determine the locations and purviews of courts and tribunals.</td>
</tr>
</tbody>
</table>

### References

**DCAF 2005**

**MDAE 2005**
Embassy of France in Burkina Faso:
http://www.ambafrance-bf.org/article.php3?id_article=13

**PRSP 2000**

**US DOS 2005**
US Department of State, Human Rights Report.
US DOS 2005a

US Department of State, FY 2006 Congressional Budget Justification for Foreign Operations:
http://www.state.gov/documents/organization/42255.pdf
### Burundi

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<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tr>
<td>Defence force</td>
<td>Security forces are under control of the Tutsi minority. The ministry of defence should maintain control over the armed forces. Security forces are not under full control of the government but keep on looting and committing crimes. Child soldiers have been recruited in the last times. Only few steps to build confidence and professionalization of the armed forces were made.</td>
<td>US DOS 2004</td>
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<td></td>
<td>OECD 2003</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>The Gendarmerie is under control of the ministry of defence. The CNDD-FDD rebels held their own police forces in the regions they maintained. Police forces are accused of committing serious human right violations and not respecting penal codes. As a result of the peace process it is to expect, that the armed forces will be reduced and on the other hand the poor strength of the police forces will be increased.</td>
<td>US DOS 2004</td>
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<td>ISSa 2004</td>
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<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>Recently an armed paramilitary civil defence force, the guardians of peace, was formed to serve in Bujumbura and other provinces. Security forces are not under full control of the government and commit serious human right violations. The Arusha agreement states, that non-statuary forces have to be disarmed or integrated into the regular forces.</td>
<td>US DOS 2004</td>
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<tr>
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<td>OECD 2003</td>
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<tr>
<td>Intelligence services</td>
<td>The president directly controls intelligence services. There are no significant reforms reported.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Penal justice</td>
<td>The judiciary was controlled by the Tutsi minority in the country and was neither impartial nor efficient. No fair trials can be assured. It is almost impossible to hold trials, transport suspects or investigate cases because of poor security conditions. Reform of the judicial system was one of the major conditions of the 2000 peace accord, but still not implemented. The courts represent the interests of the Tutsi minority while the Hutus are persecuted and killed. Hutus only occupy a low percentage of judge chairs. Military courts trial civilians that are accused of offences against members of the armed forces. Court standards almost never meet international conditions. Fewer trials were postponed by the government, than in recent years. Political prisoners were not released.</td>
<td>US DOS 2004</td>
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released. Members of the security forces are sporadically imprisoned for crimes.

**Prison System**

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<tr>
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<th>Prison conditions can be described as poor to life threatening. Prisons remain desperately overcrowded, inmates die of malnutrition and diseases. Arbitrary arrest, incommunicado detention, extensive pre-trial detention, corruption of security personal and mistreatment of inmates remain serious problems. Sometimes suspects were held together with convicted prisoners. 4000 persons remain in Burundian prisons for political reasons.</th>
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**Parliamentary oversight bodies**

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<tr>
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<th>As fixed in the Arush agreement, civil oversight instruments as a proportional elected parliament shall be included in a new constitution.</th>
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**Legal framework**

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<th>After implementing a cease-fire in November 2003, the president formed a new cabinet and preparations were discussed for general elections. If elections were held depended on the rebels’ willingness to lay down their weapons. Furthermore, a new constitution was implemented in March 2005 that foresees power sharing along ethnical lines. Moreover, it was necessary to implement a new constitution, because the transitional constitution that was still active since 1993 does not include an electoral law. The Electoral law was implemented in 22.04.2005. In August 2005 the former leader of CNDD-FDD Pierre Nkurunziza, won the presidential elections of the country. He implemented a mixed cabinet with members of the Hutus, as well as from the Tutsis.</th>
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**References**

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<td>ISSa 2004</td>
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<th>Sector</th>
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<th>Sources</th>
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<tr>
<td>Defence force</td>
<td>The armed forces of Cameroon have a reputation for discipline and good training. Due to internal political unrest and conflict with Nigeria over the Bakassi peninsula, military expenditure increased significantly between 1995 and 2002. The United States supported Cameroon’s armed forces through its International Military Education and Training (IMET) programme. Assistance measures included professional military development courses stressing resource management, civil-military relations, improvement of officer professionalism, and English language proficiency. There is also a military co-operation agreement between France and Cameroon.</td>
<td>OECD 2003 SIRPI 2003 US DOS 2005a</td>
</tr>
<tr>
<td>Police force</td>
<td>The National Police (DGSN), the National Intelligence Service (DGRE), the Gendarmerie, the Ministry of Territorial Administration, the Presidential Guard, and the armed forces are responsible for internal security matters. The Ministry of Defence, including the Gendarmerie, DGSN, and DRGE, are under an office of the Presidency, resulting in strong presidential control of internal security forces. The PRSP has laid down several measures to strengthen the Gendarmerie and the National Police so as to bring the activities of highway bandits under control. These include the formation of specialised territorial units for anti-gang and traffic control. At the national security level, major personnel recruitment have been carried out in 2003. According to the PRSP, the objective is “to bring police services closer to the people by creating police units in quarters in order to dissuade attacks on people and property, on the one hand, and guarantee the security of investments, on the other hand.” Within this framework, the government has decided to implement two key measures: 1) the creation of a combined operational team to fight corruption, and 2) the elaboration of a strategy to sensitise the public on good governance and the fight against corruption. However, although civilian authorities generally maintained effective control of the security forces, the US State Department reports frequent instances in which elements of the police and</td>
<td>US DOS 2005 PRSP 2003a US DOS 2005</td>
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</table>
gendarmerie acted independently. In 2004, “members of the security forces continued to commit numerous serious human rights abuses.” In particular, they “committed numerous unlawful killings and were responsible for regular torture, beatings, and other abuses of persons, particularly detainees and prisoners.” As the report goes on, “police officers and members of the Gendarmerie were widely viewed as corrupt. Police demanded bribes at checkpoints, and influential citizens reportedly paid police to make arrests in personal disputes. Insufficient funding and inadequate training contributed to a lack of professionalism in the DGSN.” However, there was also some improvement. For example, in 2003 the Government investigated and prosecuted a few cases of security personnel accused of violating the law.

### Non-state security actors
(No relevant information found)

#### Intelligence services
(No relevant information found)

#### Penal justice
The Constitution provides for an independent judiciary. However, the judiciary is highly subject to executive influence. Corruption and inefficiency are serious problems. According to the PRSP, some actions have been carried out to promote the rule of law, the protection of civil and political rights, and the judicial security of investments, goods and persons. In 2003 a study on the technical audit of the judicial system was carried out. Recommendations of this study served as groundwork for the conception of a plan of action for the reform of the judicial system at the end of December 2003. The plan covers three basic areas: 1) the independence of the judiciary, 2) the fight against corruption, and 3) the judicious application of laws, legal decisions and sanctions.

#### Parliamentary oversight bodies
(No relevant information found)

#### Legal framework
(No relevant information found)

### References

AI 2005  

OECD 2003  
PRSP 2003  

PRSP 2003a  

SIPRI 2003  

US DOS 2005  

US DOS 2005a  
US Department of State, FY 2006 Congressional Budget Justification for Foreign Operations:  
http://www.state.gov/documents/organization/42255.pdf
### Chad

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<th>Sector</th>
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</table>
| Defence force     | The National Army (ANT) together with other parts of the security forces is responsible for internal security and reports to the Ministry of Defence. Since September 2004, the National Guard reports to the National Army instead of reporting directly to the president. Security Forces are not completely under the control of civilian authorities but the adherence to human rights improved in the last year. As part of the Pan-Sahel Initiative (PSI), after identifying the regions of importance in the war on terror, the US military trains the Armed Forces in the context of the new formed Trans-Saharan Counter Terrorism Initiative. The US trains and provides equipment to enable the forces to conduct rapid-reaction operations against arms-traders and the illicit flow of goods and people across borders as well as the fight of terrorists. Each training session of PSI involves:  
  • Marksmanship  
  • Communications and teamwork  
  • First aid  
  Additionally, there is training in basic infantry tactics and shooting, moving and communication training. The best marksman receives further training in sniper fire or reconnaissance. | US DOS 2004  
CGAR 2005 |
| Defence ministry  | (No relevant information found)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |
| Police force      | The national Police reports to the Ministry of Internal Security. Security Forces are not under full control of civilian authorities. Members of these units have reportedly committed serious crimes. The centralised control of the police impedes proper oversight mechanisms outside the capital. The Government acknowledged the growing security problems in the country, caused by widespread arms proliferation and the inability of the Security Forces to counter criminality. Corruption is a problem. | US DOS 2004 |
| **Paramilitary forces, including border guards, Private security forces** | The Sahel is seen as region in where terrorists may train or hide. As part of the Pan-Sahel Initiative, the US government supports the states of this region, among them the Chad, to protect its borders and maintain control of their full territory. There have been clashes between the Chadian Armed Forces and the Salafist Group for Preaching and Combat, an Algerian armed political group that entered Chad from Niger. | CGAR 2005 AI 2004 |
| **Intelligence services** | (No relevant information found) | |
| **Penal justice** | Although judicial officials are required to use signed arrest warrants, the government often does not comply with these requirements. Prolonged pre-trial detention remains a serious problem. More than half the inmates in the central prison await their trial. In general, the judiciary is overburdened, under-funded, and ineffective. Members of the government and the armed forces are immune from prosecution. A Superior Council of Magistrates was implemented to recommend judicial nominations and to supervise judges. This Superior Council seems to work. Additionally a Judicial Oversight Council was created to investigate judicial decisions. Members of the commission are appointed by the president, and these activities increases control over the judiciary. The legal code is often confusing and intertwined with traditional practices. In civil cases, particularly outside the capital, the population relies on traditional courts, presided by local chiefs, sultans, etc. In the northern territories, the Muslim concept of *dia* is still active. The Ministry of Justice has adopted an action program with the aim to promote the rule of law, the access to justice, and to establish justice as a factor of development. | US DOS 2004 PRSP 2003 |
| **Prison System** | Prison conditions are disastrous. Overcrowded cells, lack in the provision of proper food and medical attention characterise the standard conditions found in prisons. The law that allowed forced labour of detainees is no longer exercised. A successful campaign by UNICEF has resulted in that juvenile males are incarcerated separately from adult males. Juvenile males now are imprisoned in female facilities. | US DOS 2004 |
| **Parliamentary oversight bodies** | In the PRSP, it is planed to strengthen the parliament as an institution to establish the rule of law in the country. | PRSP 2003 |
| **Legal framework** | As a part of the good governance, the government is about to decentralise the administration. Effects of this restructuring for good governance are:  
  * The accountability of local governments, with autonomous budgets | PRSP 2003 |
- Election of local officials by the people
  Decentralisation, as the government expects, contribute to civil peace, strengthens the people’s involvement and combats poverty. There will be further decisive impact on the lack of proper administration of vast parts of the country.

**References**

- **AI 2003**  

- **CGAR 2005**  
  Crisis Group Africa Report, Islamist Terrorism in the Sahel: Fact or Fiction?, 2005,  

- **PRSP 2003**  

- **US DOS 2004**  
### Congo (DR)

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<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tr>
<td>Defence force</td>
<td>The Congolese Armed Forces (FARDC) was only integrated at the regional headquarters level by the end of 2004. FARDC is responsible for the external security of the country but has domestic tasks as well. Even in the regions under governmental control, the Armed Forces are not under full control of civilian authorities but acted independent from them. Additionally the chain of command is not clear in all units. FARDC forces are poorly trained, paid, and undisciplined. Former fighters of armed groups were incorporated into the FARDC but remain outside the chain of command at the regional and national level. Members of the security forces were repeatedly involved in serious crimes and human rights abuses. It has been reported that the FARDC has often been associated with the looting of entire villages; using rape as a weapon; they have participation in massacres; and conduct extra judicial killings and detention. There also exist an unclear number of irregular forces in the country and armed groups in the country. The government plans to professionalize the security forces by the provision of training.</td>
<td>US DOS 2004, OECD 2003, PRSP 2002</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>Police Forces and immigration service are responsible to the Ministry of Interior although it is not yet completely integrated into the national chain of command. The police are responsible for basic criminal cases and traffic patrol. The Rapid Intervention Police is responsible for crowd control. These units are poorly trained, equipped, paid, and undisciplined. Efforts to increase efficiency of the police forces and to diminish corruption, with the help of the UN Observer Mission in Congo (MONUC), remain ineffective. Police Forces committed serious crimes like looting, raping and killings of innocent civilians. These forces were also involved in illegal detention with the purpose of extorting money from the families and the victims. Detention procedures in general are ignored by the Police Forces. The government has issued a Decree-Law in January 2002 for the Congolese Police that until now can not be implemented in all parts of the country. Efforts are being made to better the</td>
<td>US DOS 2004</td>
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situation of the Police Forces. A training program was elaborated and the first training sessions were held in 2002. Police units were trained in disciplines like pedagogy, human rights or gender issues. Special units like the judicial police were trained in criminal law, criminal procedure law and human rights. For the future objectives are targeted like:
- Increased professional competence and personal integrity
- Increased organisation capacity and institutional integrity
- Increased public awareness in terms of the role of the Congolese National Police
- Increased co-operation between the police, the Judiciary and the Correctional system

These objectives will be archived by proper training and advising, deployment of proper equipment and financial assistance.

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<tr>
<th>Paramilitary forces, including border guards, Private security forces</th>
<th>There are numerous reports of activities of private military companies and private security companies to protect mines and petroleum installations as well as embassies in the capital. These contractors are employed against the international convention against recruitment of mercenaries. The usage of such firms is increasing.</th>
</tr>
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<tbody>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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</table>
| Penal justice | The court system does not work properly, long delays occur regularly. Judges prolong trials as a form of blackmail and extortion. The judicial system has suffered several shortages of personnel and supplies, and an almost non-existent infrastructure. Parts of the judicial system, destroyed in the war are being rebuilt in the period of the interim government of national unity. The government plans to modernise the judicial system. The construction of a working judicial system is essential for the construction of a proper Police Force. Assistance is needed to increase transparency of the judicial institutions, increase independence of the judiciary, increase security for judicial institutions and personnel. In order to improve management and administrative capacity, functional organisation, professionalisation of judges, prosecutors and judicial support staff, material conditions, three distinct areas of work are being considered:
1. Legal reform, particularly and as an immediate urgent priority, the sensitive area of criminal procedure and compliance with international human rights standards
2. Court administration and prosecution services, with an emphasis on the internal organisation of the courts and offices of the Chief Prosecutor, strategic planning, administration and |

UNPR

institutional reform

3. Assistance with regards the professional development of judges, prosecutors and judicial support staff and their professional development, with an emphasis on training and the development, plus implementation, of a code of conduct.

| Prison System | Prison conditions are described as disastrous and life threatening. Instead of improving the facilities and the training of the security forces, in recent years a decrease in the prison budgets has taken place. Prisons are overcrowded, health care is often inadequate, and illnesses affect prisons. Mostly there is no provision of proper food, malnutrition is widespread and even cases of death by starvation have been reported. Families, NGOs or religious groups often provide food to the inmates. Security guards mistreat the incarcerated persons by beating, raping, and torturing them. Women and children are not always held separately from male inmates. Conditions in regions outside governmental influence are even worse. Often not even proper facilities exist and prisoners are held in storehouses. | US DOS 2004 |

| Parliamentary oversight bodies | The establishment of a Unicameral National Conference to discuss the future of the country was treated in the Inter-Congolese Dialogue. A decision will not be taken before elections are held. The parliament that resulted from the Global and Inclusive Agreement meets regularly and is preparing the law to assure a proper functioning of the DRC. Civic institutions have been implemented and support the democratic system and the defence of individual liberty. | OECD 2003, PRSP 2004 |

| Legal framework | A new constitution is under construction that is based on decentralisation and the reform of the administration and the judicial system. | PRSP 2002 |

References


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Côte d’Ivoire

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<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tr>
<td>Defence force</td>
<td>The government of Côte d’Ivoire does not maintain effective control over all parts of the armed forces, as some parts act independently of government authority. Major parts of the defence force are based on ethnic and political loyalties. Members of the armed forces participated in human rights training. However, serious human right abuses were reported. The military trains militia groups and distributes weapons among them. These militia forces are used to commit crimes against the rebels. According to the Pretoria Agreement, the security forces are employed to disarm and dismantle the militia in all the country. The president Gbagbo will therefore select units of the defence and security forces to assist the prime minister to fulfil his task. The forces will be displaced in disposal of the prime minister and will be supported by impartial forces. The chiefs of Staff of the National Armed Forces of Côte d’Ivoire and the Armed Forces and the new Armed Forces meet immediately to ensure the implementation of the National Disarmament, Demobilisation and Reintegration Plan (PNDDR). The two chiefs of Staff will be supported by teams of experts. The two chiefs further are “mandated to formulate specific recommendations in respect of the formation of one army based on values of integrity and republican morality and the restructuring of the defence and security forces as contemplated in paragraph 3 (f) of the Linas-Marcoussis Agreement. These recommendations should be submitted to the Government of National Reconciliation”</td>
<td>US DOS 2004 HRW 2003 PAPP 2005</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The Ministry of Defence and Territorial Administration exercises control over the Army, Navy, Air Force, Republican Guard, Presidential security forces, and Gendarmerie.</td>
<td>US DOS 2004</td>
</tr>
</tbody>
</table>
Police force

Police forces are under jurisdiction of the Ministry of Interior. Serious human right abuses committed by members of the police forces were reported. Police has frequently used inappropriate force against detainees.

The poverty reduction strategy paper sees as the most urgent modernisation tasks:

- The training of police forces
- strengthening of the forces
- motivation of it’s members
- Improving the fleet of cars
- computerising of police services
- purchase of communication means and protection of the police communication network, supplies of scanners for the controls
- Creation and modernisation of the structures.

According to the Pretoria Agreement, security has to be provided to all citizens of Cote d’Ivoire. Therefore cantonments of the New Forces in the north of the country will be built and further measures to be implemented include:

- Six hundred members of the Armed Forces and New Armed Forces will be recruited and trained based on national gendarmerie and police criteria. The training will be implemented under the auspices of the police component of ONUCI.
- These forces will be deployed alongside of ONUCI.
- As soon as the government recovers full control over the state territory, these forces will return to police and gendarmerie academy to obtain further training with the aim to incorporate them national police and gendarmerie forces.

Paramilitary forces, including border guards, Private security forces

There are reports of death squad activities and irregular forces, fighting for the government and committing serious crimes. South African mercenaries have been hired by the government to fight the rebels. The government, as well as the rebels, engage with mercenaries from neighbouring Liberia or Sierra Leone to fight the counterpart. Among these fighters are child soldiers.

Intelligence services

(No relevant information found)
| Penal justice | Arrest without warrants are frequently made and persons are held beyond statutory limits without bringing charges. Detainees sometimes wait for their trial for years. The poverty reduction strategy paper points out as the most important challenges:  
- increase and strengthening in the number of magistrates and representatives of the law  
- modernisation of the judiciary machinery  
- reform of the National Council of the Magistracy and the Control of Judiciary Institutions  
- setting up of new judiciary institutions | US DOS 2004 PRSP 2002 |
| Prison System | Prison conditions remain poor to life threatening. The major problems are overcrowding cells and inadequate food and water. Security personal is unable or unwilling to avoid brutalities among inmates. | US DOS 2004 |
| Parliamentary oversight bodies | (No relevant information found) |  |
| Legal framework | President Gbagbo appointed seven members of the Constitutional Council without informing the Government. The Council was tasked with determining candidate eligibility in presidential and legislative elections, the announcement of final election results, the conduct of referendum and the constitutionality of legislation. According to the Pretoria Agreement of April 2005, the signatory parties agree to make amendment in the composition, organisation and function of the Electoral Commission as follows:  
1. The composition of the Central Commission of the IEC will be modified. Two representatives of each party will be nominated, of whom are six from the armed forces. Only representatives of parties that are signatories of the Linas-Marcoussis Agreement have a voting right. A further amendment will be proposed to allow all parties to designate representatives to the IEC.  
2. The composition and function of the Bureau of the Central Commission will be modified: the members will be elected by the central commission, which in turn is composed of twelve members (one representative for each party to the signatories of the Linas-Marcoussis Agreement, one representative of the President of the Republic, One representative of the President of the National Assembly)  
3. The term of the members of the Central Commission expires at the end of the general elections. The United Nations is invited to support and assure the functioning of elections. | US DOS 2004 PAPP 2005 |

References

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<th>Source</th>
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<tr>
<td>AI</td>
<td>Amnesty International, Mercenaries and Arms pour into Cote d’Ivoire</td>
<td><a href="http://web.amnesty.org/pages/5t4-article_5-eng">http://web.amnesty.org/pages/5t4-article_5-eng</a></td>
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<td>PRSP 2002</td>
<td>Poverty Reduction Strategy Papers, 2002</td>
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<td>PAPP 2005</td>
<td>Pretoria Agreement on the Peace Process in the Côte d’Ivoire, April 6, 2005</td>
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# Eritrea

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| Defence force                 | Officially the armed forces are responsible for external security. Because of the restructuring processes, the military was tasked with police operations, and given the power to arrest and detain people. Large numbers of youths have been reported to have tried to avoid conscription by fleeing the country. With Word Bank support, the army is being reduced from initially 350,000 to 150,000 after the war with Ethiopia. 200,000 soldiers are to be reintegrated into society in three-step plan:  
  - Demobilisation: collecting the arms and transporting the soldiers to their places of settlement.  
  - Reinsertion: soldiers, loosing their source of income will be entitled to a Transitional Safety Net allowance based on cash equivalent of a defined basket of essential goods and food.  
  - Reintegration: the former soldiers are reintegrated socially by counselling and community support and economically by skill development and training, micro-financing, business services, rural development, employment in public works and construction. | US DOS 2005  
                                 |                                                                                                                                                                                                       | ENS 2003  
                                 |                                                                                                                                                                                                       | WB 2002 |
| Defence ministry              | (No relevant information found)                                                                                                                                                                       |                                                                        |
| Police force                  | Arbitrary detention remains a problem characterising the work of police forces. The police have no role to play in national security. They mainly enforce traffic law and the persecution of petty crimes. Police forces were reorganised in 2003 and the armed forces took over several police tasks. | US DOS 2005 |
| Paramilitary forces, including border guards, Private security forces | The official border of Eritrea with Ethiopia should have been officially demarcated and internationally recognised in 2003 but was delayed.                                                      | IRIN 2003 |
| Intelligence services         | (No relevant information found)                                                                                                                                                                       |                                                                        |
| Penal justice                 | There occurred several problems in implementing the penal code. Detention periods are often prolonged and detainees have no access to legal council. The employed judges are poorly trained. The Judiciary is dependent on financing and logistical support on the ministry of Justice and is | US DOS 2005 |
therefore limited in its independence. Public trials are generally fair, in contrast to cases concerning national security or political issues that are not brought to trial. The drafting of civilians to national services has negative effects on the judicial system, because among the recruits are numerous judges. The opening gaps are filled by elections for local courts. All parts of the judicial system suffer from the lack of well-trained personal. The executive controlled special courts were created to reduce backlog of cases. In practice, those special courts banned the defence council and the right of appeal, allowing the executive branch to give out punishment without respect for due process. The proceedings against people who refuse to serve in the army remains harsh and violate human rights.

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<tr>
<th>Prison System</th>
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<td>Prison conditions in the country are poor, though no deaths were reportedly caused by hunger or lack of medical care. People trying to avoid drafting into the military have been imprisoned under harsh conditions in underground halls. Such prisons are overcrowded and the general conditions are discriminating, causing mental and physical harm. Pre-trial detainees are generally held together with convicted prisoners. There are political prisoners. Prisoners of conscience were abused and mistreated by security personal.</td>
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<tr>
<th>Parliamentary oversight bodies</th>
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<tr>
<td>Every civil oversight body is revolves around the President of the Republic. The extent of legislative influence over the security sector remains unclear.</td>
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<tr>
<th>Legal framework</th>
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<td>(No relevant information found)</td>
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**References**

- **US DOS 2004**  

- **AI 2003**  

- **ENS 2003**  

- **IRIN 2003**  

- **WB 2002**  
  World Bank, 2002, Assisting Eritrea in it’s Transition from War to Peace,
OECD 2003  
For Economic Co-Operation And Development, 2003
### Ethiopia

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<thead>
<tr>
<th>Sector</th>
<th>Comments</th>
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<tr>
<td>Defence force</td>
<td>The Ethiopian armed forces are professional and broadly representative of the population. Ethiopia is the fifth largest contributor to United Nation peacekeeping missions and has the second largest number of soldiers in Africa. It also belongs to the countries with the highest military expenditure. However, since the end of the war against Eritrea (1998-2000), military spending and the number of armed forces have been considerably reduced. This reduction is presented as an important step toward using more funds to fight poverty and promote development. In November 2002 and March 2003 a Defence Advisory Team (DAT) from the United Kingdom visited Ethiopia to assess defence reform requirements. The United States’ International Military Education and Training (IMET) programme supports the Ethiopian military with funds for training courses. These focus in particular on senior level professional military education courses (War College and Command and General Staff level schools) and instructor training to assist in the development of Ethiopia’s own military training institutions.</td>
<td>OECD 2003</td>
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<td>US DOS 2005a</td>
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<td>BICC 2004</td>
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<td>DASA 2003</td>
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<td>US DOS 2005a</td>
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<tr>
<td>Defence ministry</td>
<td>In 2004, the Bannock Consulting Group conducted an institutional appraisal of the Ethiopian MoD for the UK’s Department for International Development (DFID). It sought to provide an objective analysis of the main strengths and weaknesses of the ministry. The principal aim was to identify the key underlying causes of institutional weakness, to identify options for dealing with those weaknesses, consistent with requirements for efficient and effective defence outputs and the Government of Ethiopia’s broader reform objective, and to ensure effective institutional ownership of the resulting transformation programme.</td>
<td>Bannock 2005</td>
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<td>Police force</td>
<td>Human rights organisations reported excessive use of force by the police, arbitrary detentions and torture. However, following the acknowledgement by the Federal Police that many of its officers lacked professionalism, some reform efforts were underway. A National Human Rights Commissioner was appointed in July 2004. However, his office had not opened by the end of the year. According to the US State Department, as a result of improved command and control as well as better training, police forces “became more adept at avoiding confrontations and better at calibrating their responses to avoid escalating spirals of violence. Police forces also improved their ability to identify tensions earlier and accelerate their response.” Furthermore, the Ethiopian government continued its efforts to train police in human rights issues. For this purpose, it sought assistance from the International Committee of the Red Cross (ICRC). For example, in September 2004 the ICRC conducted a two-day human rights training for approximately 800 local leaders in the conflict-prone Oromiya region. The government has also asked DFID to provide training for police and security forces and to assist them with the democratisation process and respect for human rights.</td>
<td>AI 2005</td>
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<td>US DOS 2005</td>
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<td>DFID 2003</td>
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<tr>
<td>Non-state security actors</td>
<td>Private security firms are present because of the international agencies operating in the country. However, their activities are heavily regulated and not rampant.</td>
<td>OECD 2003</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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| Penal justice            | The Government continued to decentralise and restructure the judiciary along federal lines with the establishment of courts at the district, zoned, and regional levels. The justice and internal security institutions are all geared towards improving the criminal justice system. Although there were some improvements in the administration of justice and progress in reducing the backlog of cases, arbitrary and indefinite detention without charge or trial remained widespread. Police officers responsible for shooting demonstrators and suspected government opponents were not brought to justice. As the US State Department points out, the “judiciary remains weak and overburdened.“ There were severe shortages of “adequately trained personnel in many regions, as well as serious financial constraints, combined to deny citizens the full protections provided by the Constitution. To remedy these shortcomings, the Government continued to identify and train lower court judges and prosecutors, although officials acknowledged that the pay scale offered did not attract the required numbers of competent professionals.“ | OECD 2003  
US DOS 2005  
AI 2005  
US DOS 2005 |
| Parliamentary oversight bodies | “The constitution provides ample mechanisms for a democratic oversight of the military by civil authority. The civil institutions for democratic control of the security sector include the Ministry of Defence, the Judiciary, the Special Prosecutor’s Office, the Human Rights Commission, and the ombudsman as well as civil society institutions. The parliament has a standing committee that oversees defence and security affairs, and ensures parliamentary control on defence policy and decisions such as organisation and structure of the Armed Forces, recruitment, promotion and discipline. Again it is the parliament that approves the budget, including that of the defence ministry that it could reject or pass. The Budget Committee is yet another body through which the Parliament exerts control on the Armed Forces. The defence ministry is also required by law to report to the parliament at regular intervals. Furthermore, the parliament has the power to authorise an external auditing of the accounts of the ministry.” | GFN 2003 |
| Legal framework          | A political dialogue has evolved around the making of the Federal constitution, which sets out in concrete terms the place of national security institutions, especially the armed forces and associated agencies. | OECD 2003 |

**References**

AI 2005  

Bannock 2003  
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### Ghana

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<th>Sector</th>
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<tr>
<td><strong>Defence force</strong></td>
<td>Between 1972 and 1992 Ghana was almost constantly under direct military rule. Until 2000 the military continued to dominate the political decision-making process. For the last twenty years military expenditure has been increasing, both in nominal and real terms. The latest significant increase in 2000 was the result of raising allowances for members of the armed forces. During the 1990s, the government of former flight lieutenant Jerry Rawlings initiated many “quiet” reforms designed to further professionalise the Ghana Armed Forces (GAF). The government of the New Patriotic Party (NPP), which was elected in 2000, is perceived to be less militaristic and has expressed its willingness to improve civilian oversight and transparency of the GAF. Precise areas of responsibility for the defence forces remain unclear, however. For example, the military continues to participate in internal law enforcement activities. By regional standards, Ghana maintains a rather professional military force. In devising new training programs, great emphasis is placed on peacekeeping. In the context of the African Contingency Operations Training and Assistance program (ACOTA), US Foreign Military Financing (FMF) and International Military Education and Training (IMET) measures support the enhancement of peacekeeping capacities within the GAF.</td>
<td>SIPRI 2003</td>
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<td>OECD 2003</td>
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<td>US DOS 2005</td>
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<td>US DOS 2005a</td>
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<td><strong>Defence ministry</strong></td>
<td>Between June and July 2002 a UK Defence Advisory Team (DAT) supported the Ministry of Defence (GMOD) in the adoption of a Performance Improvement Programme (PIP), which is to promote a more systematic, co-ordinated and transparent approach to defence reform. Local NGO partner is the Accra-based African Security Dialogue and Research (ASDR) institute. As an immediate objective, the PIP aims to strengthen the capacity of the civil wing within GMOD. The first phase started in February 2003 with a two-week training course in Defence Management for civilian staff of the GMOD. In the mid to long term, the PIP is to support the formulation of an overall National Defence Policy and to facilitate a National Dialogue on the Role of the Armed Forces.</td>
<td>OECD 2003</td>
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<td>DASA 2003</td>
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<tr>
<td><strong>Police force</strong></td>
<td>Given the increasing crime rates, the new NPP government has declared the police a policy priority. Besides re-equipping the police force with US financial assistance, a National Police Reform was launched in 2002. It is designed to improve both management and operations of the police, particularly in the areas of human rights and community policing. Human rights training of the police is conducted by the Commission for Human Rights and Administrative Justice (CHRAJ), which was established in 1993. In general, civilian authorities maintain effective control over the police. However, according to human rights organisations, instances where police officers acted independently from government authorities and/or used excessive force remained.</td>
<td>OECD 2003</td>
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<td>US DOS 2005</td>
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<td>AI 2004</td>
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<tr>
<td><strong>Paramilitary forces, including border guards</strong></td>
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<td><strong>Intelligence services</strong></td>
<td>A Security and Intelligence Agencies Act was passed in 1996. It subjects the intelligence agencies to the control of the National Security Council as well as to Parliamentary and Judicial oversight and regular audit by the Auditor-Generals Department.</td>
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<tr>
<td><strong>Penal justice</strong></td>
<td>The government has taken some steps to address corruption in the judiciary system, which remains a problem. In 2003 the Parliamentary Select Committee on the Judiciary published a report in which it recommended establishing and enforcing codes of conduct, transparent complaint procedures and disciplinary mechanisms. However, none of the recommendations had been implemented by 2004.</td>
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<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>To a degree, the democratic elections and change of government in 2000 resulted in an improved parliamentary oversight of the security sector. Parliamentary debates on budget matters include issues of military expenditure and are by far more lively and critical than in the past. Also, data on military spending is more reliable and transparent. Both IMET and the Justice and Security Sector Reform Team (JSSR) of UNDP’s Bureau of Crisis Prevention and Recovery (BCPR) have supported programs promoting civilian control of military and security services. However, the capacity for civil oversight remains very much limited by lack of expertise and funding. Furthermore, armed forces are resisting audit by the Auditor-General of weaponry and strategic stores on national security grounds.</td>
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<tr>
<td><strong>Legal framework</strong></td>
<td>In 2002 a National Reconciliation Commission (NRC) was established by the government. Its task is to compile a record of human rights violations committed during Ghana’s periods of unconstitutional rule since independence in 1957, and to recommend reparations and reforms.</td>
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**References**


## Guinea

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<tr>
<td>Defence force</td>
<td>The armed forces play an important role in Guinea since the coup d’etat, and have supported this process. There has been no major restructuring measures taken in recent times. The forces were trained in human rights, but this training appears to have had virtually no impact on their behaviour.</td>
<td>OECD 2003</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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</table>
| Police force                    | The Gendarmerie, as part of the ministry of defence, and the national police share the responsibility for internal security, while the red barrettes are only tasked with the protection of the president. Although only the Gendarmerie is allowed to make arrests, the army, the Presidential Guards, and state police detain persons as well. Security forces are not fully in control and often do not respect the penal code. Extortion has from citizens has become a common characteristic of security forces. The government identifies poverty as the root of crime and violence. Therefore it plans on focusing on three major tasks:  
  - Fight against armed gangs linked to drug traffic  
  - Public awareness campaigns to get all players to contribute to sustainability  
  - Undertaking regional and international actions, particularly diplomatic actions | US DOS 2004      |
| Paramilitary forces, including border guards, Private security forces | (No relevant information found)                                                                                                                                                                          | PRSP 2002        |
| Intelligence services           | (No relevant information found)                                                                                                                                                                          |                  |
| Penal justice                   | Although judiciary’s independence is articulated in the constitution, judicial authorities defer to executive authorities in political cases. Corruption and non-impartial judges are two characteristics often plaguing the judicial system. Numerous prisoners have been detained for lengthy periods without trial. The judicial system suffers from a lack of qualified lawyers and an outdated, restrictive penal code. The rights provided by the code are generally not observed in practice. People frequently use the traditional judicial system, where Litigants present their cases before a village chief, a neighbourhood leader or a council of “wise men”. Cases may be transferred from the formal to the traditional system to ensure compliance by all parties and vice | US DOS 2004      |
A major reform to the judicial system is planned and it includes: revising the status of the judiciary; implementing a specialisation program for judges; providing capacity-building for legal personnel; providing broad-based publicity about the law, legal and administrative procedures; implementing a policy to promote access to justice by establishing legal aid to provide access to courts with free legal advice.

| Prison System | Prison condition remain inhuman and life threatening, and there have been reported cases where inmates were not given adequate food or medical attention. Many prisoners do not even have space to sleep. Inmates are frequently abused (particularly woman), beaten and mistreated by security personal. The conditions in N’Zerekore prison improved in 2003. A better ventilation and installation of indoor plumbing improved the overall conditions of imprisoned persons. | US DOS 2004 |
| Parliamentary oversight bodies | A defence and security commission exists within the National Assembly. This commission does not exercise any significant power. According to the demands of the Poverty Reduction Strategy Paper, the government will set up permanent participatory mechanisms to sustain progress and give more responsibility to the citizens. Efforts focus on:  
  • Strengthening rural community councils and setting up prefecture development councils as deliberative bodies, promoting partnership between local governments and associations.  
  • Improving participation of population groups, NGOs, village community based associations, citizens associations, especially for program formulation and management / monitoring of community business.  
  • Establishing bodies for consultation between citizens and the government / administrative machinery for the dissemination of legislation and documents, choosing program impact and monitoring indicators. | OECD 2003, PRSP 2002 |
Legal framework

The government will change policy, according to the interests of the public, towards greater decentralization and delegation of authority for government action, to fight corruption, increase transparency, greater participation, accountability of recipients, enhancing stability and security. The objectives to ensure a better management of government structures are:

- Safeguarding the government's resources
- Increasing the efficiency of their use
- Creating an appropriate institutional and human framework for the development of the private sector

References

Kenya

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<td>Defence force</td>
<td>Kenya has relatively small and professional armed forces. It is among the top-troop contributing nations for U.N. peacekeeping operations. There are some reform efforts underway. The Interim Poverty Reduction Strategy Paper (IPRSP) of 2002 explicitly includes the defence forces when promising a “functional rationalisation” of the entire public sector. The same paper also alludes to the importance of the military in achieving sustainable development. That is, “in the absence of external aggression” the military will “play its secondary role” of “undertaking activities like borehole drilling, road improvements to open up remote areas and provision of health services, which target the disadvantaged and poor communities.” Furthermore, there are some reform efforts in procurement, logistics and personnel management of the armed forces. International Military Education and Training (IMET) and Foreign Military Financing (FMF) from the United States supports and strengthens Kenya’s counter-terrorism capabilities, its border and coastal security and its peacekeeping capacity. A British peace Support Team (BPST) co-ordinates UK military assistance to Kenya’s armed forces in order to contribute to security sector reform and increase peacekeeping capacity. BPST has three main elements in Kenya: The International Mine Action Training Center, the Peace Support Training Center (PSTC) and a presence in the Kenyan Defence Staff College.</td>
<td>BICC 2004</td>
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<td>IPRSP 2000</td>
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<td>OECD 2003</td>
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<td>US DOS 2005a</td>
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<td>UK Army 2005</td>
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<td>Defence ministry</td>
<td>In the context of anti-terror measures, doctrinal reviews have been undertaken as part of new threat assessments. However, there has not yet been a complete defence review. Widespread corruption remains a serious problem throughout Kenya’s public service. The Ministry of Defence scores second in Transparency International’s “National Bribery Index 2004”, which comprises all government branches of Kenya. With regard to the intensity of corruption (“probability of service denial”) it even leads the ranking. A government anti-corruption programme has been launched, which also touches on defence related contracts.</td>
<td>OECD 2003</td>
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<td>TI 2004</td>
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<td>OECD 2003</td>
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<td>Police force</td>
<td>According to reports by human rights organisations, police forces committed unlawful killings, arrested citizens arbitrarily, and used excessive force. Conditions in detention frequently amounted to cruel, inhuman and degrading treatment. Although a law was passed in 2003 to prohibit the use of confessions made under duress as evidence in criminal proceedings, in 2004 torture practices continued to be used as a means of investigation. There is a public perception that the police are often either involved or complicit in criminal activity. Police corruption is systematic and widespread. A 2004 survey by Transparency International found that the police was viewed as the most corrupt entity within the country. In response to human rights violations and corruption, there was a complete overhaul of the police force’s top officers in March 2004. In April 2004, an active duty army officer replaced the police</td>
<td>US DOS 2005</td>
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<td>AI 2005</td>
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commissioner. Shortly afterwards, the Police High Command presented a five-year strategic plan aiming at reforms. Also, the government arrested and prosecuted a number of police officers for human rights abuses. However, it did not provide details on how many of the indicted police officers were convicted and imprisoned. The government established a new institution to root out corruption. However, by year’s end, it had not arrested or prosecuted any high-level government officials on corruption charges. In order to reduce incentives for corruption, the government provided the police with a 115 percent increase in salaries in 2005. Further reform efforts in the Kenyan police focus on improving service delivery to local communities. Supported by donors and international and local NGOs, the government is working to introduce a concept of “community-based policing”.

### Non-state security actors
Following the attacks of 11 September 2001, several private security companies are proving guard services to embassies, UN Missions and international NGOs.

### Intelligence services
(No relevant information found)

### Penal justice
“The judiciary is constitutionally independent but was at times subject to executive branch influence. Judiciary reforms initiated in 2003 reduced corruption but also increased case backlogs.” Donors are supporting a comprehensive “access to justice” initiative of the Kenyan government.

### Parliamentary oversight bodies
The security sector is overseen by the following bodies: The Parliamentary Committee on Defence and Internal Security, the Public Accounts Committee and the Auditor-General’s Office. Public scrutiny and democratic oversight of the Kenyan defence forces are a lot less effective than the existing control mechanisms would make believe on first sight, however. For example, the possibilities of public insight into the exact utilisation of military expenditure remain very limited. Transparency, control and effective implementation of the defence budget can be regarded as problematic. UNDP’s Justice and Security Sector Reform (JSSR) programme is running a programme in Kenya to improve civilian oversight of the security forces.

### Legal framework
“The Constitutional Conference completed its work in March 2004. However, despite attempts at consensus building, the process of bringing the new constitution into force was repeatedly blocked. Contentious issues included chapters relating to the structures of the executive, the devolution of power, and the judiciary. The adoption of the new constitution, announced for 30 June, was again delayed, causing demonstrations around the country and engendering anti-government hostility. A new constitution was still pending at the end of 2004."

### References


**Lesotho**

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<tr>
<td><strong>Defence force</strong></td>
<td>The Lesotho Defence Forces are currently being restructured. A debate is taking place about their structure, size, and internal role. The defence forces are being downsized. In 2002, the budget for the defence sector was diminished from 3rd to the 5th place in government expenditures.</td>
<td>US DOS 2004; OECD 2003</td>
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<tr>
<td><strong>Defence ministry</strong></td>
<td>The prime minister is the minister of defence and has the authority over the Lesotho defence forces (LDF) and the Lesotho Mounted Police Service (LMPS) and the National Security Services (NSS). The ministry of defence is responsible for improvement of training and equipment of the armed forces. The ministry has developed a career development policy which improves ascension within the ranks more systematically.</td>
<td>US DOS 2004; MOD 2000</td>
</tr>
<tr>
<td><strong>Police force</strong></td>
<td>The Lesotho Mounted Police Service (LMPS) is nationally managed within the three administrative districts, north, central and south. Each district is headed by an Assistant Commissioner of Police. The LMPS suffered from significant cuts to its budget, which effected their operational readiness. Corruption within the security forces remains a problem. Nevertheless, the government continues its reform program. Currently a process of restructuring of the LMPS is taking place. Police forces are trained in new techniques, it is planed to increase the number of policemen. The government is seeking for people with university degree to enter the security forces. A Police Complaints Authority was installed to investigate complains against police forces. A new directorate of police was founded in the Ministry of Home Affairs.</td>
<td>US DOS 2004; GOL 2002; OECD 2003</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>(No relevant information found)</td>
<td></td>
</tr>
<tr>
<td><strong>Intelligence services</strong></td>
<td>(No relevant information found) The intelligence services make part of the ministry of defence.</td>
<td>MOD 2000</td>
</tr>
<tr>
<td><strong>Penal justice</strong></td>
<td>Judiciary consists of the Court of Appeal, the High Court, magistrates courts, and customary or...</td>
<td>US DOS 2004</td>
</tr>
</tbody>
</table>
traditional courts (in rural areas). Although trials are generally fair, the backlog of cases remains a serious problem. A large percentage of prison inmates are pre-trial detainees. 2004

| Prison System | Conditions in Lesotho prisons remain poor. Overcrowded in cells is the normal standard. There are no separated facilities for convicted prisoners and pre-trial detainees. Regularly representatives of church, economic sector, and advocates of high courts visit the prisons without the knowledge of the facilities direction. | US DOS 2004 |
| Parliamentary oversight bodies | The oversight institutions that exist include: the monarchy, the prime minister, the defence council, police complaints authority, the parliament and the office of the ombudsman. Unfortunately, there is no direct possibility for the parliament to supervise the defence forces. | OECD 2003 |

Legal framework (No relevant information found)

References

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<th>Source</th>
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## Madagascar

<table>
<thead>
<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence force</td>
<td>The armed forces in Madagascar played a decisive role in the last elections in 2002. Their pressure forced the former president Ratsiraka into exile, who did not accept the votes that resulted in the favour of his opponent.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The ministry of the armed forces oversees the army, armed forces, navy and the gendarmerie.</td>
<td>US DOS 2001</td>
</tr>
<tr>
<td>Police force</td>
<td>Police forces are split up into two separate forces, the National Police with jurisdiction in the cities, and the Gendarmerie Nationale, which makes part of the armed forces and has jurisdiction in all other areas. Arbitrary arrests executed by the police forces remains a problem</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Non-state security actors</td>
<td>(No relevant information found)</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
<td>MGIDP 2002</td>
</tr>
<tr>
<td>Penal justice</td>
<td>Conditions in Madagascar prisons remain harsh to life threatening. The security forces regularly torture and mistreat inmates during interrogation. Facilities are overcrowded and often inmates suffer from malnutrition. Illnesses, rape, and the maltreatment of inmates are regular occurrences. Prisoners have also been forced to work. With support from the World Bank, a legal and judicial reform has been planned. It consists of: • Publication of law as a further step of a publication program. • Law reform support. It covers all laws, which contribute to the establishment of the rule of law including business law, law on corruption and other financial and economical crime, gender equality law. • Training school. The project would strengthen the institutional capacity of ENMG and provide it with all resources needed to improve training facilities to guaranty quality</td>
<td>US DOS 2004</td>
</tr>
</tbody>
</table>


training. It includes proper facilities to house ENMG.

- Strengthening the Ministry of Justice and the courts. The aim is to increase the courts and ministries capacities and facilitate the establishment of new institutions.

According to the Poverty Reduction Strategy Paper a major aim is to strengthen the judicial system by:

- adopting, explaining and distributing the six organic laws bearing on the setting up of the Supreme Court of Appeal, the Counsel of State, the Audit Office and the High Court of Constitution;
- putting in place the administrative courts and financial courts in each autonomous province capital cities to make effective lawfulness control, budgetary control and to enable the administrators to appeal
- reviewing procedures to allow Justice to be more accessible and faster and to avoid any problem of extended remand of the untried accused;
- completing the Courts of Appeal decentralization and pursuing the multiplication of first level Courts to ensure their presence in under-populated areas and in regions where there is no security;
- accompanying decentralization of the Courts with some incentive to appoint lawyer (better pay for lawyers appointed by the court in remote areas, create a credit for law practices or for the charges incurred by bailiffs working away from main judicial centres;
- increasing the number of magistrates and judicial staff hired and trained in the National College for the Magistrates and Bailiffs (ENMG);
- strengthen the training of the judges in trade and financial practices in view of promoting business judicial security, and
- studying the possibility of introducing a system of public utility works as a sanction to minor offences and an alternative penalty to imprisonment.

<p>| PRSP 2000 |</p>
<table>
<thead>
<tr>
<th>Parliamentary oversight bodies</th>
<th>(No relevant information found)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal framework</strong></td>
<td>The government plans to decentralize core functions of the state, such as the provision of justice, public security and land tenure security. Provinces will gain a higher degree of autonomy in these aspects.</td>
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</table>

**References**

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<th>Source</th>
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Malawi

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<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence force</td>
<td>Following transition toward democratic rule in 1993, the Malawi Young Pioneers (MYP), who were the paramilitary wing of the authoritarian party of Kamuzu Banda, were disbanded. The army has since stood at the centre of the state security apparatus. A review of the Malawi Army Act – which is to be renamed the Defence Force Act – by the Law Commission commenced in 1999. The “Review of the Army Act” signing ceremony was held in Lilongwe in 2001. Many international observers criticised that the final recommendations did not include compulsory HIV screening for army entrants.</td>
<td>OECD 2003, IRIN 2001</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>In the course of democratisation in the mid-1990s, a new Ministry of Defence was created. Further measures included the drafting of defence policy as well as the proposal to establish a National Security Council.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Police force</td>
<td>Following the dissolution of the repressive Police Mobile Force (PMF), a Police Reform Programme was launched in 1997. The programme is funded by DFID and the Danish Centre for Human Rights and includes besides various capacity-building measures the establishment of so-called Community-Police Forums (CPFs). Between September 1999 and August 2000, the Public Affairs Committee of Malawi, the Malawi Centre for Human Rights and Rehabilitation organised – in co-operation with the International Peace Research Institute Oslo (PRIO) and the Norwegian Initiative on Small Arms Transfers (NISAT) – a pilot project on “Community Safety and Firearms Control”, which aimed to mobilise civil society groups to work in co-operation with the police to monitor and prevent cross-border trafficking in small arms and armed crime, as well as to encourage support for better training of the police and better accountability to prevent police abuse. However, during the May 2004 elections there were reports of excessive police violence against protesters, as well as of torture of suspects in police custody.</td>
<td>OECD 2003, NISAT 2000, AI 2004</td>
</tr>
<tr>
<td>Non-state security actors</td>
<td>Private security companies have been a growth sector in Malawi following the dissolution of the MYP and a reduction of the armed forces by more than 50 percent.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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</tr>
<tr>
<td><strong>Penal justice</strong></td>
<td>A Criminal Justice Reform Commission was set up in 1998 and completed a reform of the Penal Code. It was also commissioned to reform seven other areas of law, namely the Criminal Procedure and Evidence Code, the Probation of Offenders Act, the Courts Act, the Traditional Courts Act, the Children and Young Person’s Act, the Dangerous Drugs Act and the Road Traffic Act. However, according to human rights reports, the judicial system remains inefficient and handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and trained personnel, heavy caseloads, and lack of resources. USAID runs a program, which seeks to increase “access to justice“ for the mainly rural and largely illiterate population by supporting the expansion of rural paralegal services.</td>
<td></td>
</tr>
<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>While the civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. According to the 1994 constitution, the main oversight institutions of the security and military forces are the Presidency, the Defence Council, the Army Council, and the Defence and Security Committee of the Parliament. USAID has a programme, which aims to strengthen parliamentary committees to improve oversight and efficiency of parliament. However, a Parliament Committee on Defence has yet to be established.</td>
<td></td>
</tr>
<tr>
<td><strong>Legal framework</strong></td>
<td>There is a Law Commission, which was empowered by the Law Commission Act of 1998 to oversee and implement judicial reform. So far, it has completed a technical review of the Constitution.</td>
<td></td>
</tr>
</tbody>
</table>

**References**

AI 2004  

IRIN 2001  
OECD 2003  

NISAT 2000  

SDNP  
Malawi Law Commission. “Law Reform“ (This collection of articles on Law Reform and Law Revision previously appeared as Annex 4 and Annex 5 of a Strategic Plan for the Malawi Law Commission, which was prepared by Ray C. M Harris).  

US DOS 2005  

USAID 2005  
# Mali

<table>
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<tr>
<th>Sector</th>
<th>Comments</th>
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<tr>
<td>Defence force</td>
<td>The Malian army has traditionally been at the forefront of the democratisation movement. It has also been very active in initiating a dialogue between the military and civilians. A “Code of Conduct“ (CoC) for the security forces was adopted in 1997. In addition to new “Service Regulations of the Malian Armed Forces“, the CoC has four sections detailing the “duties“ of security forces toward the state, their relationship with civilian populations and responsibilities for respecting and protecting human rights. As an OECD study points out, “the CoC was the result of collaboration between the Malian authorities, armed forces and civil society, with some assistance from the United Nations.“ US military assistance is administered through the International Military Education and Training (IMET) programme. IMET funding is used for a programme to “reinforce the progress already made by the Malian Armed Forces towards becoming a more professional organisation through training and seminars. It will also provide opportunities for the professional officer corps to attend courses that stress greater respect for and understanding of the requirement to support human rights and civilian control of the military.“</td>
<td>OECD 2003 US DOS 2005a</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
<td>US DOS 2005 AI 2005 PRSP 2003</td>
</tr>
<tr>
<td>Police force</td>
<td>There were no reports of human rights violations on behalf of the Malian security forces. However, on occasions the police arbitrarily arrested and detained persons. According to the US State Department, the police force “was moderately effective but has problems with lack of resources and training.“ In addition, corruption existed within the police. In terms of internal security, the Poverty Reduction Strategy Paper of 2003 highlights eight main objectives. These include “1) reducing crime and strengthening security of people and property; 2) increasing the manpower of security and civil protection forces; 3) providing the security agencies with additional and adequate logistical facilities to permit them to perform their duties properly; 4) strengthening the training of agents in the security forces; 5) setting up and manning security posts at the majority of Communes and re-deploying some of the existing manpower; 6) developing IEC activities; 7) strengthening the fight against the proliferation of small arms and cross-border crime; and 8) intensifying the fight against the trafficking of children.“</td>
<td></td>
</tr>
<tr>
<td>Non-state security actors</td>
<td>(No relevant information found)</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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</tr>
<tr>
<td>Penal justice</td>
<td>“The judicial system's large case backlog resulted in long periods of pre-trial detention and lengthy delays in trials. Administrative backlogs and an insufficient number of lawyers, judges, and courts often caused lengthy delays in bringing persons to trial. In extreme cases, individuals remained in prison for several years before coming to trial. Local</td>
<td>US DOS 2005</td>
</tr>
</tbody>
</table>
lawyers estimated that approximately half of prison inmates were pre-trial detainees. “The PRSP from 2003 sets out the following priority objectives to strengthen capabilities and credibility of the judicial system: “1) improving accessibility to, and the quality of, justice and bringing it closer to those subject to its jurisdiction; 2) strengthening and ensuring the independence of the judicial system; 3) adapting the legislation and regulations to the current socio-cultural and economic environment; and finally 4) providing the justice departments with adequate resources in terms of personnel and modern equipment.” With a view to making these strategic objectives operational, an action plan aimed at launching the implementation of the Judicial System Reform Program (Programme de réforme de la justice – PRODEJ) has been drawn up.

**Parliamentary oversight bodies**

As a result of the good relations between the armed forces and civil authorities, Mali has one of the more robust and effective African Parliaments in terms of oversight. However, the actual influence of the Parliamentary Defence Commission over the military and security budgets seems marginal. In order to fight corruption, the government has begun institutional reform of the government audit departments based on efficiency of operations and making all the managers of public resources accountable.

**Legal framework**

“The constitution of 1882 places the armed forces under civil control.”

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**References**

AI 2005  

OECD 2003  

PRSP 2003  

US DOS 2005  

US DOS 2005a  
## Mauritania

<table>
<thead>
<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tbody>
<tr>
<td>Defence force</td>
<td>Members of the armed forces have seized power in a coup d’etat at the beginning of August 2005. Former president Maouya Ould Taya was forced into exile. The armed forces have been trained by the US-Army to fight radical militants that are believed to operate in the Sahara.</td>
<td>IRIN(c) 05</td>
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<td></td>
<td></td>
<td>IRIN(b) 05</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The Ministry of Defence directs the armed forces and the Gendarmerie. The armed forces are responsible for the nation’s security, whereas the Gendarmerie is a paramilitary force, responsible for the security within and outside cities.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Police force</td>
<td>The Ministry of Interior directs the National Guard and the Police forces. The National Guard is responsible for maintaining law and order in remote countryside areas where no police is present. The police forces have been repeatedly noted for mistreating civilians and the use of excessive brutality. The police forces remain poorly equipped and trained, and therefore effect the maintenance of public order. Corruption is a widespread phenomenon.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>(No relevant information found)</td>
<td></td>
</tr>
<tr>
<td>Intelligence services</td>
<td>The country possesses several intelligence services for various parts of internal and external activities. The most important are the domestic, political and external counter-intelligence.</td>
<td>OECD 2003</td>
</tr>
</tbody>
</table>
| Penal justice                   | After the bloodless coup by the armed forces, a general amnesty for all political prisoners was declared at the beginning of September. As part of the institutional improvements to reduce poverty, certain measures have been planned:  
  - the adoption and enactment of the Personal Status Code  
  - legal reform geared to establishing specialised jurisdictions, making justice more accessible to those under its jurisdiction, and the institution of new functions for notaries public and bailiffs  
  - outfitting courts in Nouakchott | IRIN(a) 05    |
|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | PRSP 2002     |
The government continues its judicial system reform, which includes the formation of specialised appeal courts and training of judges in specialised fields abroad. The legal system was reformed with the principles of the Shari’a (Islamic law).

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<tr>
<th>Prison System</th>
<th>US DOS 2004</th>
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<tbody>
<tr>
<td>Although some prisons show signs of improvement, the conditions remain difficult. Diseases plague the facilities, overcrowded cells are a common characteristic, and insufficient medical attention and poor hygienic conditions are common as well. Security personnel have been noted to beat and torture inmates on a regular basis.</td>
<td>US DOS 2004</td>
</tr>
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<tr>
<th>Parliamentary oversight bodies</th>
<th>PRSP 2002</th>
</tr>
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<tbody>
<tr>
<td>There are some specific programs soon to be implemented to strengthen the supervisory capacities of the Parliament and the Auditor’s Office. In general, civilian oversight in Mauritania is an unknown political process.</td>
<td>OECD 2003</td>
</tr>
</tbody>
</table>

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<tr>
<th>Legal framework</th>
<th>PRSP 2002</th>
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<tbody>
<tr>
<td>As part of the Institutional capacity-building and Governance, several reforms are foreseen to take place: • Reform of civil registry • the introduction of new mechanisms for government financing of political parties, reform of the Electoral Code with the • introduction of proportional representation, and the organisation of legislative and municipal elections in October 2001</td>
<td>PRSP 2002</td>
</tr>
</tbody>
</table>

*(A coup d’état has taken place in Mauritania in August 2005. Therefore, it is not possible to assure that the developments and reforms, as described below are still in effect.)*

**References**

US DOS 2004  

IRIN(a) 05 I  

IRIN(b) 05 I  
IRIN(c) 05

PRSP 2000

OECD 2003
## Mozambique

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<th>Sector</th>
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<th>Sources</th>
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<tbody>
<tr>
<td>Defence force</td>
<td>The military continues to suffer from a lack of funds and a long-term strategy. In the past, defence reform in Mozambique has been donor-driven and almost entirely donor funded. The training of the Mozambican Defence Force (FADM) was traditionally assigned to Portugal, Britain and France. A British Military Advisory and Training Team (BMATT) trained infantry battalions. France has invited FADM officers to observe and participate in regional peacekeeping exercises. According to a report from 2003, however, “Portugal has been of the three, the most persistent over the years, supporting a series of projects in the short and long term.” More recently, the United States’ International Military Education and Training (IMET) programme has also supported the FADM through the provision of training, which emphasises the necessity of an apolitical, professional, civilian-controlled military. Furthermore, “IMET courses will help train students in basic technical skills such as ordnance maintenance to ensure proper handling of equipment, and coast guard management to help protect resources along the lengthy coastline.” The flood catastrophe of 2000/2001 raised a new awareness about the role of the armed forces in Mozambique. As is stated in a report from 2003, “the newspapers extensively discussed the missions allocated to the armed forces and the debate about the need to confer them capability to deal with the new type of security threats.” Since, media coverage of defence-related activities, such as co-operation projects, accomplishment of military exercises and participation in peace support operations, has also increased. According to human rights organisations, the FADM continues to “cooperate with international organisations in demining efforts during the year to remove the hundreds of thousands of mines planted between 1960 and 1990.”</td>
<td>US DOS 2004 OECD 2003 JSSM 2003 US DOS 2005a JSSM 2003 US DOS 2005</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The Defence Ministry has a civilian minister and civilian professionals. There have been recent efforts in drafting a Defence White Paper. Nevertheless, by 2004 this paper had still not been developed “due to shortcomings in terms of enough and adequate personnel in the MoD to work within this project.” Furthermore, it appears that the MoD has failed to consistently produce any major vulnerability, threat and risk analyses, although such documents are allegedly being worked on. In 2003, the MoD has made some efforts to listen to and debate concerns on a new conscription law with civil society organisations.</td>
<td>OECD 2003 JSSM 2003 JSSM 2004 JSSM 2003 AI 2005 US DOS 2004 &amp; US DOS 2005</td>
</tr>
<tr>
<td>Police force</td>
<td>In the course of the 1990s, there has been a shift of government priorities from the military to the police. However, crime remains a serious problem, particularly in some densely populated areas of Maputo. The police also continue to commit numerous human rights abuses including, unlawful killings, beatings in custody and arbitrary arrests and detentions. According to the US State Department, “some police lacked adequate training and did not know how to...</td>
<td>OECD 2003 AI 2005 US DOS 2004 &amp;</td>
</tr>
</tbody>
</table>
charge a person properly.” Also, “the police were poorly paid, received no raises during the year 2003 despite 13 percent inflation, and lacked professionalism. Corruption extended throughout the ranks.”

A Police Reform Program was initiated in 1998 by UNDP, the Mozambique Government and the Guardia Civil of Spain. In October 2000, this effort resulted in the opening of a Police Academy (ACIPOL), which aimed to train a new generation of police officers. In May 2004, the government adopted a Strategic Plan of Action and Modernisation of the Police for the years 2003 to 2012. The plan had been developed after consultation with civil-society organisations. Amnesty International observes that “respect for human rights was reflected in seven of its nine Guiding Principles. However, while the plan acknowledged the problem of abuse of police powers, it made no specific provision for ensuring greater accountability for human rights violations.” In the course of 2004, the national budget allocated more funding for the hiring and training of police, as well as for higher salaries. NGOs provided human rights training to approximately 500 police officers from across the country. Efforts to fight corruption also continued. On 16 October, the National Assembly passed an Anti-Corruption Law, which aims to curb corruption in government offices, the police force, hospitals and schools.

<table>
<thead>
<tr>
<th>Non-state security actors</th>
<th>Due to increased levels of crime, there has been a mushrooming of private security companies in Mozambique. State laws on private security provision are vague. Regulation of private security companies remains very weak.</th>
<th>OECD 2003 JSSM 2003 AI 2005 US DOS 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intelligence services</td>
<td>“The State Information and Security Services (the secret police) has been transformed into an intelligence agency with narrowly defined functions and powers.”</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Penal justice</td>
<td>Although the constitution provides for an independent judiciary, it continues to be dominated by the executive branch of government. The judiciary lacks human resources and capacity. Its infrastructure is poor. Judges are vulnerable to corruption. Despite efforts to clear long-standing case backlogs, prison overcrowding are widespread and lengthy pre-trial detention is common. However, some measures to improve the justice system have been taken. The judicial sector was prioritised in the General Budget for 2001. The planned activities included the strengthening of capacity through the training of judges and justice officers, as well as the improvement in the conditions of prison establishments. Furthermore, the Danish NGO DANIDA worked with the Ministry of Justice and the Supreme Court “on judicial legislation, as well as funding rehabilitation of courts” throughout the country. In 2004, the Supreme Court Commission for Strengthening of the Law tried to address the problem of overcrowding of jails and prisons by proposing a series of measures, including conversion of sentences to fines. By the end of 2004, the Commission’s recommendations had not yet been implemented. They were however, considered by both the National Assembly and the Attorney General's office in early 2005. In an effort to combat corruption, salaries for judges and court staff were increased in 2003. Although there was a 30 percent increase in the number of attorneys in the country between 2001 and 2003, the increase in young attorneys was not sufficient to address the immediate need for qualified judges and other judicial</td>
<td></td>
</tr>
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</table>
According to an OECD/DAC report from 2003, “the Parliamentary Committee for Defence and Public Order has emerged as the most important independent oversight agency. The Committee has held important debates, visited military and police units, and has had some success in monitoring. It also has tenuous links with civil society organisations.” A second report agrees that the activity of the Committee “is a relevant contribution to bring the Security Sector under accountability. It helped to end with the spirit of a 'state within a state', to generate the conscience of control over the policies that are established, as well as over the way they are being implemented. The visits of the members of the Commission to the military and police units in order to check their functioning and their interest in following the developments of the most problematic issues in this sector help to maintain the executive institutions permanently engaged in accompanying implementation by the operational units. The Committee does not however, work without problems. Various problems arise in terms of checks and balances. As a member of the Committee revealed, the partisanship spirit is still prevailing in the functioning of the Committee. As a result, issues related to defence and security that should be considered of national interest are still analysed in partisan terms.”

The Constitution from 1990 set the basis for the future defence and security policy by defining as priorities the defence of national independence, preservation of the country’s sovereignty and integrity, and guarantee of the normal functioning of institutions and the security of citizens against any armed aggression. However, “the need to restructure the security sector and establish the guidelines for its re-organisation within a democratic context was only crystallised into new legislation, with the Defence and Security Act, passed by the National Assembly in 1997.”

**References**

AI 2005  

ISS 2004  

JSSM 2003  

JSSM 2004  
OECD 2003

USAID 2005
USAID Budget Justification, Financial Year 2005:

US DOS 2005

US DOS 2005a
US Department of State, FY 2006 Congressional Budget Justification for Foreign Operations:
http://www.state.gov/documents/organization/42255.pdf
## Namibia

<table>
<thead>
<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tbody>
<tr>
<td><strong>Defence force</strong></td>
<td>The Namibian Defence Force (NDF) was established by the Defence Amendment Act of 1990 and integrated the South West African Territorial Force (SWATF) and the People’s Liberation Army of Namibia. In 1993, a “Statement on Defence Policy” set out the tasks of the NDF. An internal defence review and a restructuring programme fixed the upper level of the NDF at 10,000. As a result of the NDF’s involvement in the DR Congo, the Namibian defence budget has apparently increased since 1997. An OECD report notes, however, that there “is a lack of transparency in relation to defence issues.” The United States supports the NDF in strengthening its capacity to undertake peacekeeping operations and respond to humanitarian emergencies. International Military Education and Training (IMET) programmes are training NDF personnel in democratic values and respect for civilian institutions.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td><strong>Defence ministry</strong></td>
<td>Namibia has a civilian defence minister. According to the OECD, Namibia “has one of the most professional and well organised defence ministries in the SADC region.”</td>
<td>OECD 2003</td>
</tr>
<tr>
<td><strong>Police force</strong></td>
<td>“The country's 10,000 member national police force (NAMPOL) is highly centralised with regional commands responsible to the Inspector General of Police, who reports to the Minister of Home Affairs.“ The US State Department contends that NAMPOL lacks the “resources, training and personnel to consistently deter or investigate crime.” Human rights organisations report incidents of police officers killing and abusing citizens during arrests and detention. “Some security force members who committed abuses were arrested and tried. However, the government did not take action in other cases. Despite a police directive that prohibited the use of sjamboks (heavy leather whips), security forces continued to use them.” “The police continued to make use of a human rights training course and a human rights training manual designed by the Legal Assistance Center (LAC).“</td>
<td>US DOS 2005</td>
</tr>
<tr>
<td><strong>Non-state security actors</strong></td>
<td>There are several separatist forces in the Caprivi Strip.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td><strong>Intelligence services</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td><strong>Penal justice</strong></td>
<td>The Constitution provides for an independent judiciary. However, according to the US State Department's Human Rights report, the judiciary was “at times inefficient”. “Problems with arbitrary arrest and lengthy pre-trial detention continued.” A large court backlog, due primary to resource constraints and the lack of qualified magistrates and other court officials, resulted in lengthy delays of trials. There were delays of up to 1 year or more between arrest and trial. The GTZ ran a project in Namibia on the “Promotion of Public Legal Institutions”.</td>
<td>US DOS 2005</td>
</tr>
<tr>
<td><strong>Parliamentary</strong></td>
<td>“Oversight institutions include 1) the Parliamentary Defence Committee within the National Assembly, 2) the National</td>
<td>OECD 2003</td>
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<tr>
<td>oversight bodies</td>
<td>Council and 3) the Office of the Ombudsman. However, the Center of gravity of control of the armed forces remains the Presidency. The Parliamentary Committee on Defence rarely meets, and the deployment of the NDF in the DRC without consultation shows the limits of legislative influence. The Ombudsman’s Office is under-resourced and understaffed.” In order to improve the work of the Namibian Parliament and its committees, the Friedrich Ebert Stiftung assists in training service staff and building up support structures within the Parliament.</td>
<td>FES</td>
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<tr>
<td>Legal framework</td>
<td>(No relevant information found)</td>
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Federal Ministry for Economic Co-operation and Development. Division of “Development Education and Information”. *Legal and Judicial Reform in German Development Co-operation.* August.  

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Friedrich Ebert Foundation. Namibia. Projects on Civic Education and Institution Building:  
http://www.fesnam.org.na/index1024.htm

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US DOS 2005  

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US Department of State, FY 2006 Congressional Budget Justification for Foreign Operations:  
http://www.state.gov/documents/organization/42255.pdf
## Niger

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<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tbody>
<tr>
<td>Defence force</td>
<td>The armed forces consist of the Army and Air Forces who are under the responsibility of the Ministry of Defence. The armed forces are together with the gendarmerie (paramilitary police) are responsible for internal and external security. There is a strong presence of US-Military, as they are interested in preventing radical militants from building training camps in the desert of the countries in the Sahel region.</td>
<td>US DOS 2004</td>
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<tr>
<td></td>
<td>(No relevant information found)</td>
<td>NYT 2004</td>
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<tr>
<td>Defence ministry</td>
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<tr>
<td>Police force</td>
<td>National Forces for Intervention and Security (FNIS) consist of the republican guard, the Sahara Unit for Security and the national Police. Police efficiency is affected by the lack of proper equipment and training. Even basic equipment is often not available. Corruption is a widespread phenomenon. In 2003 the national assembly adopted legislation granting police more decision-making authority and increased compensation.</td>
<td>US DOS 2004</td>
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<tr>
<td>Private security forces</td>
<td>(No relevant information found)</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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</tr>
<tr>
<td>Penal justice</td>
<td>There exist courts of appeal (for questions of fact and law), customary courts and the supreme court (to reviewed the application of the law and constitutional questions). The judicial system is independent. Widespread ignorance of the law has prevented many accused from taking full advantage of their rights. Traditional chiefs can act as mediators and counsellors and had status in customary and national law, without having judicial or police power. Customary courts, located in bigger cities, try cases like divorces or inheritance. These courts are headed by a legal practitioner with basic legal training and knowledge of the societies traditions. In 2003, military courts were inaugurated to trial members of the armed forces. Reform of the judicial system is a foreseen plan in the Poverty Reduction Strategy.</td>
<td>US DOS 2004</td>
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<tr>
<td></td>
<td></td>
<td>PRSP 2002</td>
</tr>
<tr>
<td>Prison System</td>
<td>Conditions in all prisons remain poor and life threatening. Prisons are overcrowded and understaffed. Diseases rage in prisons. A new high security prison was inaugurated. Pre-trial detainees are held</td>
<td>US DOS 2004</td>
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together with convicted prisoners. Prolonged pre-trial detention is one of the most important problems. Some inmates are dependent on their families’ help to survive prison.

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<tr>
<th>Parliamentary oversight bodies</th>
<th>(No relevant information found)</th>
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<tr>
<td>Legal framework</td>
<td>The supreme court ruled against the changes of the electoral code as proposed by the government. The court rejected as well a governments initiative to remove the Sultan of Zinder, who faces fraud charges.</td>
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<td></td>
<td>US DOS 2004</td>
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References

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<th>Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>NYT 2004</td>
<td>New York Times, Us Training African Forces to Uproot Terrorists, 11.05.2004</td>
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**Nigeria**

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>After the end of military dictatorship, the armed forces shall be reformed to a dependable army. The Minister of Defence, Danjuma says that the current military leadership wants to transform Nigerian Armed Forces into a re-professionalized, apolitical and respected institution. The armed forces shall be subordinated to democratic rule. The armed forces will be seek for self-improvement, service-improvement, peace keeping, peace enforcement and community development. The US PMC MPRI is currently working in Nigeria to develop an action plan for the national defence structure. It aims at helping the country to professionalize its armed forces, developing competence among civil leaders in defence, disengaging the military from civil government functions and finally improving the standing of the armed forces among the people.</td>
<td>POSS</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>MPRI provides leadership development seminars for civilian and military leaders, budget transparency assistance to the government, and assistance to the Ministry of Defence and the National Assembly in working on defence matters. The reform of the Ministry of Defence is supported by MPRI and other actors like BDAT (UK) or DoD (South Africa)</td>
<td>MPRI 2005 OECD 2003</td>
</tr>
<tr>
<td>Police force</td>
<td>The main problem of the Nigerian police forces is that they remain under-funded and under-staffed. Reforms have been initiated by the president. The rapid response anti-crime teams have been reported to have committed serious human right abuses. After public call for an anti-crime strategy, the taskforce “Operation Fire for Fire” was established. This taskforce and the police forces committed numerous crimes, as this type of operations have given untrained police forces a broad latitude in using lethal force. Reports of torture and abuse of detainees by the police have declined.</td>
<td>POSS US DOS 2004</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>Officially endorsed vigilance groups committed serious crimes and human right abuses. They committed extra judicial executions and even held unofficial detention centres. The attempt to stop such actions failed because all arrested suspects were released after a few days. Private security forces were hired to protect oil facilities in the Niger delta. These security forces were responsible for numerous crimes.</td>
<td>AI 2003 US DOS 2004</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>There are almost no information’s about the Nigerian intelligence service. It is not known how they recruit their personnel or how they finance their institution. The military intelligence has become a silent force within the last few years. In the past, it has involved itself with taping telephones, and controlling journalists. A reform was implemented that aims to eliminate any civil rights violating actions.</td>
<td>POSS</td>
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</table>
| **Penal justice** | With the help of USAID a seven year judicial reform has been implemented and includes activities such as capacity development in budget preparation, presentation, and management for selected courts and the National Judicial Council. Furthermore, judges will be trained as well as court staff, equipment will be acquired to increase the speed of case disposition. As well, a reform of laws is set to happen, including domestication of international instruments by the national legislature and removal of military decrees and illegal laws. The Shari’a courts keep on delivering sentences such as amputation, death by stoning or caning in the northern regions. In the last year, none of these sentences was carried out. The constitution provides that a Shari’a Court of Appeal and a Final Court of Appeal must be installed. This has not happened. | USAID  
OECD 2003 |
| **Prison System** | Prison conditions remain harsh and life threatening. Sanitary installations and hygienic conditions remain unacceptable and further hindered by the overcrowding of cells. Prolonged pre-trial detention is a normal reality. Diseases plague the prisons, lack of proper alimentation and medical attention remains problematic factors in jails. Woman and children are incarcerated together with male prisoners. The government has considered the possibility to privatise prisons, but no final decision has yet been made. The training of security personnel has improved, and there are new attempts to implement a wider criminal justice system reform. | US DOS  
2004  
OECD 2003 |
| **Parliamentary oversight bodies** | A parliamentary committee – the defence committee – is to be consulted before troops may be deployed abroad. The parliamentary committees are vulnerable to corruption and membership in them is a matter of prestige. The committee lacks expertise. There exist several civilian oversight institutions within the National Assembly and Executive Branches of governments. There is no horizontal institution of accountability. | POSS  
OECD 2003 |

**References**


## Rwanda

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| Defence force  | International donors – primarily the World Bank, UNDP and the UK Government – have encouraged Rwanda to undertake defence reform. Following the formal withdrawal of all its troops from the Democratic Republic of the Congo (DRC) in 2002, the government of Rwanda began to reorganise its military establishment to provide for a smaller force more suitable for territorial defence than for expeditionary action abroad. As it is stated in an Annual Progress Report (APR) by the Rwandan government in 2004: “We will reduce the size of the army to a long-term equilibrium and reallocate defence expenditure towards poverty-reduction priorities.“ According to the Mid-Term Expenditure Framework of 2001 defence spending was to be reduced by an annual RWF 4.5 billion (= approx. EUR 6.7 million) between 2001 and 2004. Available data suggests an actual reduction of approx. USD 10 million in total between 2001 and 2003. However, with military spending still accounting for more than 3 per cent of the gross domestic product, it remains relatively high and thus continues to put considerable pressure on the national budget. Between 1997 and 2004 approx. 15,000 Rwandan troops have been demobilised. However, the total number of troops still exceeds 50,000. The long-term objective is to reduce the number of soldiers in the army to 20-25,000. As the APR of 2004 acknowledges, “the demobilisation of armed groups has been slower than expected. [...] The socio-economic reintegration of ex-combatants has not been closely monitored due to insufficient human resources. Nevertheless, the Reintegration Unit is already restructured and has expanded, and the Monitoring and Evaluation Unit has been reinforced.“ US assistance to Rwanda’s military is conditioned upon its abstention from military involvement in neighbouring countries, particularly the DRC. “Assuming a positive evolution in these areas, FY 2006 International Military Education and Training (IMET) programs will focus on developing the professionalism of the Rwandan military, with particular emphasis placed on expanded IMET courses designed to promote respect for human rights and civilian control of the military, military justice, and improved civil-military relations.“ There are several reports of Rwandan soldiers violating human rights. However, “military courts actively prosecuted soldiers“ accused of such activities.                                                                 | OECD 2003  
US DOS 2005  
APR 2005  
PRSP 2002  
SIPRI 2004  
APR 2005  
IIS 2004  
PRSP 2005  
US DOS 2005a |
| Defence ministry | According to the APR of 2004, the “Ministry of Defence has taken the lead in efforts not only to safeguard the nation’s sovereignty and collaborate with other security agents, but also in contributing to poverty reduction by aiding the population with projects such as repairing bridges, and providing military doctors and nurses to government hospitals.” The responsibility for internal security was transferred from the Defence Ministry to the Interior Ministry in 2000. Between 2000 and 2002 the Rwandan government undertook a Comprehensive Threat Assessment with a view to producing a Defence Review. It also organised a series of seminars and workshops with government officials, external | APR 2005  
OECD 2003 |
In 2004 the Defence Ministry developed a 5 year strategic plan, which includes continued strengthening of capacity and professionalism of the armed forces and modernisation of their equipment.

**Police force**

The National Police is headed by the Commissioner General and has two Deputy Commissioners, one for operations and another for administration. Five Assistant Commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. According to human rights reports, “government authorities do not always maintain effective control of the security forces, and there are several instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses in 2004.” For example, police officers beat suspects at the time of arrest and committed acts of torture. Furthermore, the police lacked basic resources such as handcuffs, radios and patrol cars. Despite reports of human rights violations, police officers participate in extensive training programs, and the police academy curriculum included training on human rights, non-lethal use of force, and professionalism. UNDP supports the National Police with capacity building.

According to the PRSP of 2002, the police force is being reformed with a community-policing approach. The PRSP also specified further police reform measures: “1) Mechanisms for police to be accountable to the local communities will be strengthened. 2) Laws that discriminate against women or other groups will be replaced, starting in 2002. 3) A sector strategy for Public Order and Safety will be developed, starting in 2002. 4) Investments in expanding prison space will be considered once the long-run size of the prison population is established.”

The APR of 2004 list the following achievements, which have been accomplished since: “1) Road accidents have been reduced by 30% due to increased police in the traffic department. 2) The Ministry of the Interior has developed a Human Rights Training Handbook for law enforcement agencies. 3) Police have carried out community sensitisation and awareness programmes. 4) A Police Training School has been developed in Gishali and a National Police Academy set up in Ruhengeri. 5) Over the next year the Ministry of the Interior will finalise its 5 year strategic plan and efforts will continue in strengthening and professionalising the police force.”

“There was little problem with corruption or discipline within the police force due to national pride, strict training, and close monitoring.”

**Non-state actors**

(No relevant information found)

**Intelligence**

(No relevant information found)

**Penal justice**

During the Genocide of 1994 the Rwandan justice system collapsed. With the help of the international community, it has since continued to undergo a slow rebuilding process. However, many problems and shortcomings remain. The judiciary was subject to executive influence and suffered from inefficiency, a lack of resources and some corruption. As Amnesty
International points out: “Trials in the first half of 2004 did not meet international standards of fairness. There was a presumption of guilt, and standards of evidence for conviction were lowered. Government interference in judicial decisions was a constant threat.” In addition, the justice system is seriously over-stretched, with more than 100,000 people in prison, mostly on suspicion of genocide-related crime. Recognising that ordinary legal procedures cannot cope with this backlog, the government has begun to implement a community-based process where traditional institutions of dispute-resolution, the *gacaca* courts, are constituted to deal with the less serious genocide-cases. It is hoped that the rest of the judicial system will be strengthened once the genocide cases are cleared.

In the first half of 2004, some laws were passed to address abuses in the criminal justice system. In July 2004, the government also dismissed approximately 500 district- and provincial-level judges from the national court system who were deemed unqualified. It subsequently appointed more than 230 judges as replacements.

The Ministry of the Interior has made some progress with regard to improving prison services: “1) Kigoma prison has been constructed in Gitarama which accommodates 7,500 detainees in an internationally accepted facility. 2) The prison tender council has been decentralised to districts. [...] Prisons are being shifted from cities, creating new modern prisons and establishing Biogas initiatives in all prisons. Cabinet is to pass a draft law for the management of national prison services, and an IT network is being developed between prisons and the Ministry of Justice.”

In March 1999 the National Human Rights Commission (NHRC) was established as an independent institution. It is mandated to examine and prosecute human rights violations committed in Rwanda, to sensitisise the population on human rights, and to institute legal proceedings in case of human rights violations.

<table>
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<tr>
<th>Parliamentary oversight bodies</th>
<th>According to an OECD report from 2003, “Parliament is acting largely as a rubber stamp with limited capacity for independent judgement.”</th>
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<td></td>
<td>In 1998 the Office of the Auditor General of State Finances was established. As it is stated in the PRSP of 2002: “The Auditor General’s reports on some ministries, Government agencies and projects have been submitted to the President, and copied to Parliament and the Supreme Court. Action has been taken against some officials as a result, and a study has also been mounted to examine off budget transactions and integrate them into the budget. Just as importantly, the work of the Auditor General has highlighted the relatively poor capacity in ministries to exercise proper financial management. As a result, greater emphasis on training has been given, and the establishment and strengthening of internal audit units undertaken. Several further audit reports are to be delivered before the end of the year.”</td>
</tr>
<tr>
<td></td>
<td>The office of the Ombudsman was created in 2003 and is currently drafting a strategic plan that outlines its means of combating corruption. According to the APR of 2004, “the Government of Rwanda should continue to strengthen the Offices of the Ombudsman and the Auditor General. Internal audit offices will also be strengthened, and the awareness of the general public regarding anti-corruption initiatives increased.”</td>
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<tr>
<th>Legal framework</th>
<th>“The new Constitution adopted in 2003 has introduced several changes in the justice sector, such as:</th>
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| AI 2005 | PRSP 2002 |
| APR 2005 | PRSP 2002 |
| OECD 2003 | PRSP 2002 |
| APR 2005 | |
| References |
|-----------------|---------------------------------------------|

The Supreme Court, as well as the courts planned for in the Constitution and other laws, is charged with judicial power. The judiciary is independent from the legislative and executive powers. The judiciary is administratively and financially independent. The decisions of the judiciary must be respected by those concerned, and can only be contested through legal channels. The Constitution has instituted the Superior Magistrates Council. The Constitution plans for conflict mediators (*Abunzi*) to operate before cases go to the ordinary courts. The elections for those mediators were held in 2004. The Constitution has instituted the Prosecutor’s Office which is financially and administratively independent but placed under the Ministry of Justice. All the above elements seek to ensure: (1) justice for those to be tried, (2) remove the culture of impunity, (3) unity and reconciliation within the Rwandan community, (4) promote community participation in the area of justice (notably gacaca), and (5) fight against corruption.”
### Senegal

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>The Senegalese armed forces are generally regarded to be professional, well disciplined and under civilian control. They are widely involved in UN peacekeeping missions, for example in the Ivory Coast, Liberia and the DR Congo. Whereas civil-military relations are of a stable nature, they tend to exclude the participation of local NGOs. During a 1999 conference on defence issues, parliamentary delegation made some recommendations for defence reform. These included improvements in the conditions of service of the armed forces, the drafting of a code of conduct to reaffirm the apolitical nature of the armed forces, as well working toward a better understanding of the military’s role in a democracy on behalf of civilians and elected leaders. In the course of 2004, military authorities in the troubled Casamance province reduced the number of human rights abuses committed by security forces under their command. The armed forces receive significant military assistance from France. The Military and Defence Co-operation Directorate at the French Foreign Office provides training to Senegalese military officers, particularly in the area of peacekeeping. Senegal also receives military assistance from the United States. International Military Education and Training (IMET) courses are designed to improve the Senegalese military’s ability to participate in regional and international peacekeeping operations. They also train participants in professionalism and civil-military relations.</td>
<td>US DOS 2005a OECD 2003</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
<td>US DOS 2005 MDAE 2005 US DOS 2005a</td>
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<tr>
<td>Police force</td>
<td>The police force is perceived as less professional and disciplined than the military. However, civilian authorities maintained effective control. A few police officers committed isolated human rights abuses. According to the US State Department, “a foreign government has helped facilitate training of the police force in a number of areas, such as crisis response, airport security, hostage negotiation and trafficking in persons.“ In 2004, no members of the police responsible for human rights violations in the past, including disappearances and police brutality, were charged or prosecuted. However, authorities punished some cases of corruption.</td>
<td>US DOS 2005</td>
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<tr>
<td>Non-state security actors</td>
<td>(No relevant information found)</td>
<td>US DOS 2005</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
<td>US DOS 2005</td>
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<tr>
<td>Penal justice</td>
<td>Since the executive branch controls judicial promotions, judges were subject to executive influence. Low pay, poor working conditions, and family and political ties made magistrates vulnerable to outside pressure. In July 2003, President Wade presented a bill to abolish the death penalty. It was unanimously approved by the Council of Ministers and was adopted in December by the National Assembly by an overwhelming majority.</td>
<td>US DOS 2005 AI 2004</td>
</tr>
</tbody>
</table>
**Parliamentary oversight bodies**

Although the legislature’s oversight responsibilities are assured by the constitution, civilian control of the armed forces is exercised almost exclusively through the executive branch. The legislative branch has abstained from exercising control of the armed forces, preferring to defer all defence and security-related issues to the executive. It plays practically no role in the approval and oversight of the military budget. Indeed, the Senegalese National Assembly (together with the Ivorian one) is one of the few without a specialised defence commission.

From April 20 to 22 the US-based National Democratic Institute conducted a regional civil-military relations seminar in Dakar, Senegal on the Role of the Legislature in National Defence and Security Issues. “The seminar was co-hosted by the National Assembly of Senegal. The program was designed to expand the knowledge base of legislators to enable them to play an increasingly active role in overseeing defence issues. Specifically, the seminar sought to: 1) enhance the lines of communication between legislators and senior military officers in the respective countries; 2) promote information sharing by military and elected civilian leaders about international structures, initiatives and practices related to civil-military relations and; 3) produce a series of recommendations to strengthen civil-military relations that participants could take back to their respective countries for continued debate, discussion and implementation.”

| Legal framework | (No relevant information found) |

### References

- **AI 2004**  

- **MDAE 2005**  

- **OECD 2003**  

- **US DOS 2005**  

- **US DOS 2005a**  
## Sierra Leone

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| Defence force                               | Following the Lome Agreement several reforms were initiated:  
1. A Military Reintegration Program was implemented to absorb former members of the rebel movements.  
2. Fresh recruitment under rigorous new standards; cleansing of the armed forces of conspicuous elements.  
3. Training of future trainers, with a focus on international humanitarian law, civil-military relations, human rights, and budget management.  
4. Restructuring of the MOD to strengthen the civilian wing  
5. Development of a Defence Policy Framework  
The British government assists in building up a working national security system in Sierra Leone. The goal is to build up a law-abiding security force that serves the public and enables the country to regulate the internal violence without external help. The army lacks the logistical, communication, accommodation and transport capacities necessary to operate in the whole country. UNAMSIL troops remain in the country until the end of 2005. Large efforts have been undertaken to build trust of the citizens in the armed forces that committed cruel crimes during the civil war. The UN approved an assistance team to move into the country after the Peacekeepers of UNAMSIL leave, to ensure security in the country.                                                                 | OECD 2003       |
| Defence ministry                            | (No relevant information found)                                                                                                                                                                                                                                                                                                                                                                             | RFS 2004        |
| Police force                                | A Policing Charter was introduced in 1998 to clarify the relationship between the Police and the state. It emphasises:  
• The need to shift policing from the traditional one of maintaining law and order to that of local needs policing  
• For a police-community partnership  
• Establishment of a Complaint Discipline and Investigations Department to foster accountability  
• A Change Management Department to oversee the reform process  
Payment of the Police has improved. The former State Security Department has been reorganised and is now named the Operational Support Division under the Ministry of Internal Affairs and National Security. The Police suffer from the consequences of the civil war. Many officers were killed or fled the country. Security Forces are accused of committing serious crimes against civilians like rape and extortion of money. Despite the deployment of 1777 police recruits and further training, the goal of 9500 police officers was not attained. Although their salary has increased, the police have a difficult time attracting volunteers.                                                                 | OECD 2003       |
| Paramilitary forces, including border guards, Private security forces | There are several civil militias operating in the country like the kamajors, donsos, kapras that form together the Civil Defence Force to defend their communities against rebel activities. A Territorial Defence Force is planed to be built up to substitute the Civil Defence Force.                                                                                                                                                                                                 | OECD 2003       |
| Intelligence services                        | (No relevant information found)                                                                                                                                                                                                                                                                                                                                                                             |                 |
### Penal justice

The effective administration of justice still remains effected by the lack of staff and the poorly equipped courts, combined with a huge backlog of cases. The UN has responded to the shortage of judicial officials with the elaboration of a plan to recruit additional magistrates. The UK supported judicial and legal reforms with $50 million. These reforms include the provision of judges and lawyers as well as the training of new ones, the funding of legal personnel to fight corruption. This work has been supported by other donors such as the UN Development Program, which funded the renovation and construction of Magistrates’ Courts as well as training units of Justice and Peace.

With help from the UN, a special court was inaugurated in March 2004 to prosecute war crimes committed during the civil war. The court goes against to the general amnesty that was granted in the Lomé peace agreement from 1999. This amnesty guaranteed to all fighting parties violates international law, and can therefore not be observed. The Special Court is an example of a new type of court established by the international community in corporation with the state where the crimes were committed. This court is a mixture of international and national court with judges from Sierra Leone and elsewhere. Trials before the Special Court must meet international standards of fair trials. The Statute of the Special Court is not conforming to the Rome Statute of International Criminal Court. It is not authorised to award reparation for victims of crimes.

### Prison System

Conditions in Sierra Leone’s prisons improved in the last years, but continue to remain poor. Prisons remain overcrowded, and they are often described as unhygienic. The conditions of some of the facilities are described as life threatening. Several deaths have been reported, caused by the insupportable conditions. The International Committee of the Red Cross (ICRC) has provided funds for the construction of new prisons.

### Parliamentary oversight bodies

There exist a Presidential and Defence Committee of Parliament to oversee the armed forces budget. The Vice President heads the Police Council that oversees the Police. An international tribunal to try crimes against humanity, and a Truth and Reconciliation Commission were implemented. Human rights and civil society groups hope that it will be possible to implement the country’s truth and reconciliation report with the help of the new UN team to ensure stability in Sierra Leone.

### Legal framework

(No relevant information found)

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**References**

US DOS 2004  

OECD 2003  
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## South Africa

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<tr>
<td>Defence force</td>
<td>Major reforms of the defence forces were already made in the mid 1990s. Security in South Africa was in the past seen only as a matter that concerned only the military and the police. Now security in South Africa has been re-framed within the notion of human security, to include other political, economic, social and environmental factors. The defence budget was reduced from 20% of the annual state budget to 5%. Defence forces shifted away from their traditional tasks of maintaining territorial sovereignty to humanitarian peace keeping tasks. On the basis of several policy papers and legislation, the SANDF was formed of eleven statuary and non-statutory forces.</td>
<td>JSSM 2005, OECD 2003</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>In the context of restructuring the defence forces, a Ministry of Defence and a Department of Defence under civilian leadership was formed.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Police force</td>
<td>As a reaction to the massive human rights violations by South African police during apartheid, it was transformed in the mid 1990s. The eleven police units were amalgamated to the South African Police Services (SAPS). The SAPS, still ill equipped and trained, is currently being restructured with the goal to become a more community service orientated unit, instead of continuing as a public or security force. Although being responsible for inner security, the government keeps on deploying the South African National Defence Force (SANDF) to support the police in inner operations. The government trains the Directorate of Special Operations (DSO) to confront organised crime and corruption. Human rights violations committed by members of the SAPS were investigated by the government. No more politically motivated assassinations have been reported. The government made efforts to decrease abuses committed by members of the police forces by an anti-torture policy and training in human rights. To improve implementation of Domestic Violence Act from 1998, police and criminal justice officers attend a comprehensive training program.</td>
<td>OECD 2003, US DOS 2004, AI 2004</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards</td>
<td>The South African Police Services (SAPS) and the South African National Defence Force (SANDF) share responsibility for border control.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>The national intelligence is described as a remnant of the Cold-War. It has however, shifted its focus from traditional threats to current problems like diseases, crime, socio-economical decline.</td>
<td>JSSM 2005</td>
</tr>
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</table>
and development of early warning capabilities.

| Penal justice | Right wing fuelled violence is being prosecuted by the government. The judicial system is overburdened and understaffed, and consequently there are massive delays in trials and overcrowding in jails. There are 46 justice Centres run by the government to better the situation, but still numerous cases remain untreated. Reforms continue to face the challenge of coping with a particularly high rate of violence against woman and children. There have been 52 specialised sexual offences courts established by December 2004, which helped to increase the conviction rate by 20 percent compared to ordinary courts. To improve implementation of Domestic Violence Act from 1998, police and criminal justice staff attend a comprehensive training program. With the help of USAID, an integrated case flow system for courts, decentralisation of court support services and a study of contracting out the management of funds held in trust by courts for deceased estates, child support payments, and bail will be realised. Among the additional reforms planned, the goals are to reduce the number of backlogged cases, increase the number of eligible women to be appointed as judges, and create 300 specialists to tackle money laundering and plea-bargaining. |
| US DOS 2004 | US AID 2005 |

| Prison System | Overcrowded prisons and abuses of detainees continue to be a part of South Africa’s prison System, particularly in the juvenile section. The government began building new prisons as reaction to these conditions. |
| US DOS 2004 |

| Parliamentary oversight bodies | Parliamentary Committees are active in the security sector:  
- Joint Standing Committee on Defence;  
- The Portfolio Committee on Defence;  
- Standing Committee on Safety and Security;  
- Standing Committee on Intelligence;  
For the police, the following committees are active:  
- Safety and security portfolio committees in the provincial legislatures;  
- The National Commissioner (appointed in 1995)  
- An Independent Complaints Directorate (IDC)  
- Community-Police Forums (CPFs)  
Further Institutions are the Public Protector, the Human Rights Commission and the Auditor-General |
| OECD 2003 |
Legal framework

Major changes in the legal framework started from 1994. The Truth and Reconciliation Commission (TRC) was formed out of the National Unity and Reconciliation Act, which was passed by the new parliament in May 1995. Parts of the armed forces were excluded from persecution and escaped accountability for the crimes they committed. After the TRC finished its work in 2001, the Amnesty Committee continued to work on cases. It granted immunity or amnesty to numerous individuals.

References


## Sudan

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<tr>
<th>Sector</th>
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<tbody>
<tr>
<td>Defence force</td>
<td>Sudan has been badly affected by several decades of civil conflict. The Sudan People’s Armed Forces is a 100,000-member army with a small air force and navy. Irregular tribal and former rebel militias and Popular Defence Forces supplement the army. This mixed force also has the responsibility of maintaining internal security. Sudan’s military forces have historically been hampered by limited and outdated equipment. Oil revenues have allowed the government to buy modern weapons systems. Sudan now receives most of its military equipment from Iraq, China, Russia and Libya. A UN report concluded that the situation in Darfur has been characterised by repeated attacks on civilians by Government of Sudan military, its proxy militia, and the disproportionate use of force by Government security forces. Since a signed cease-fire in 2004, it has been reported that military operations by the Sudanese military dropped sharply, although clashes with rebels have continued. African Union troops have been deployed to Darfur on a very limited mandate. The government in Khartoum has resisted allowing them to strengthen their power to disarm combatants. The UN Mission in Sudan (UNMIS) was established for an initial period of 6 months, made up of 10,000 military personnel and 715 civilian police to coordinate with the African Union peace in the Darfur Region.</td>
<td>US DOS</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The US has pledged $115 million to support security sector reform efforts in Sudan between 2004-2006.</td>
<td>Youngs, BBC, US DOS</td>
</tr>
<tr>
<td>Police force</td>
<td>Extra policemen have been deployed to the Darfur region, but the refugees have little faith in them. The UNDP BCPR is currently assisting Sudan in Police reform and capacity building, and in training of police and the promotion of human rights. UNICEF has also been involved in training Sudanese police to assist child victims of sexual violence with the assistance of Jordanian police.</td>
<td>BBC, UNDP, BCPR, UNICEF</td>
</tr>
<tr>
<td>Non-state security actors</td>
<td>The Sudanese government has admitted to mobilising “self-defence militias” following rebel attacks, but it has denied links to the Janjaweed. After strong international pressure and the threat of sanctions, the government has promised to disarm Janjaweed, but there is little evidence of this so far. Although the government and two rebel groups signed a cease-fire in April 2004, this has not occurred.</td>
<td>BBC</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>According to Amnesty International, military intelligence officer carried out with Janjawid militias hundreds of extra-judicial executions.</td>
<td>AI</td>
</tr>
<tr>
<td>Penal justice</td>
<td>It has recently been announced that some members of the Sudanese security forces will face trials in Karthoum, but this has often been seen as a way to counteract the UN-led attempts to get some 50 key suspects tried at the</td>
<td></td>
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<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>Sudan remains enveloped in a cloud of civil war. However, the European Union for example has allocated $14.5 million to help deploy observers to monitor the cease-fire. In the 2004 peace talks in Sudan, the subcommittee addressing security issues was made up of military commanders; no civilians or women were involved.</td>
<td>BBC</td>
</tr>
<tr>
<td>Legal framework</td>
<td>An interim constitution was adopted on July 6, 2005, as mandated by the January 2005 Comprehensive Agreement. There was a cease-fire agreement in 2004, and in November of that same year, the Government of Sudan and the Sudan People’s Liberation Army signed a declaration committing themselves to conclude a final comprehensive peace agreement by Dec. 31, 2004. As a result the two parties signed the Comprehensive Peace Agreement (CPA). This agreement includes for new arrangements in power sharing, wealth sharing and in security measures to be applied to all of Sudan.</td>
<td>Youngs SSR</td>
</tr>
</tbody>
</table>

**References**

**AI**  

**BBC**  
BBC News. “Q&A: Sudan’s Darfur Conflict.” 2005/05/26 www.bbc.co.uk

**SSR**  
SANAM NARAGHI ANDERLINI AND CAMILLE PAMPPELL CONAWAY. Security Sector Reform. INCLUSIVE SECURITY, SUSTAINABLE PEACE: A TOOLKIT FOR ADVOCACY AND ACTION. http://www.womenwagingpeace.net/content/toolkit/chapters/Security_Sector_Reform.pdf

**UNDP BCPR**  

**UNICEF**  

**US DOS**  
US DOSb


Youngs

Tim Youngs. Sudan: Conflict in Darfur. International Affairs and Defence Section, House of Commons Library. June 23 2004,
Research Paper 04/51 www.paliament.uk
## Tanzania

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<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tr>
<td>Defence force</td>
<td>The Tanzanian People’s Defence Force (TPDF) has been formally “depoliticized”. However, party political affiliations continue to exist. Both the troop strength and the military expenditure of Tanzania are relatively modest. Since 2000, defence spending, military personnel and the number of heavy weaponry are in decline. There were no significant defence procurements within the last six years. This overall decrease in military capacity is the direct result of implementing the goals set out in the <em>Poverty Reduction Strategy Paper</em> (PRSP) of 2000. As specified in the PRSP, certain “priority sectors” are to be favoured in the annual budget allocation. At the expense of the defence and security sector, the share of social expenditures – particularly in the areas of health, education and water – in the gross domestic product (GDP) thus increased from 3.4 percent in 1997 to 5.27 percent in 2002. In the same period, the share of defence expenditure in GDP, despite a slight growth in absolute numbers, declined from 1.35 percent to 1.09 percent. UNDP supports some programs to professionalize the armed forces and to establish clear lines of authority between the TPDF and the Ministry of Defence. The United States’ International Military Education and Training (IMET) programs also support the professionalization of the TPDF, as well as the improvement of civil-military relations. Furthermore, the United States provides training in non-proliferation, anti-terrorism and demining.</td>
<td>OECD 2003; BICC 2004; PRSP 2000; BICC 2004; OECD 2003; US DOS 2005a</td>
</tr>
<tr>
<td>Defence ministry</td>
<td><em>(No relevant information found)</em></td>
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</tr>
<tr>
<td>Police force</td>
<td>The police force, which is under the Ministry of Home Affairs, has primary responsibility for maintaining law and order. It is supported by citizens’ patrols known as “Sungusungu”. According to human rights reports, the police are under-funded and inefficient. The use of excessive force, including torture, arbitrary arrests and police corruption are serious problems. The government only rarely prosecutes police officers for abuse. In May 2004, the Inspector General of the Police said at a human rights workshop that police officers “should respect the Constitution and stop abusing and harassing members of the public.” Later in the year, opposition party parliamentarians denounced the use of excessive force by police. In 2004, the government revamped the training curriculum for new police officers in accordance with international human rights standards.</td>
<td>US DOS 2005</td>
</tr>
<tr>
<td>Non-state security actors</td>
<td><em>(No relevant information found)</em></td>
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<tr>
<td>Intelligence services</td>
<td><em>(No relevant information found)</em></td>
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<tr>
<td>Penal justice</td>
<td>The national judiciary is formerly independent. However, it is under-resourced. Independent observers have criticised the judiciary for being corrupt, inefficient and subject to executive influence. A general lack of trust in the court system contributes to a high incidence of mob justice. In 2004, the government made no progress in addressing</td>
<td>US DOS 2005</td>
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</table>
judicial corruption. A Judicial Ethics Committee failed to develop recommendations to improve the credibility and conduct of the judiciary. In co-operation with local communities and with donor funding, the government started a pilot program known as “Quick Start“ in 2003. It aims to rehabilitate court facilities and increase the number of primary courts. However, by the end of 2003 it was only active in the Arusha and Manyara regions.

The parliament has passed a Community Services Act, which allows persons convicted of minor offences to be sentenced to community service instead of prison. By the end of 2004, the Act still had not been used, however. During the year 2004, the government trained police and magistrates in the implementation of the Community Services Act.

In 2004, the government’s Human Rights and Good Governance Commission released a report on prison conditions. The report identified serious overcrowding and poor living conditions as persistent problems. Following the report’s release, the Prisons Department increased prisoners’ food rations, procured mattresses for prisoners, and changed prisoners’ uniforms.

Parliamentary oversight bodies
Although the Presidency remains at the heart of police making and oversight of security related activities, the Parliament’s influence is growing. There is an active Parliamentary Committee on Defence and Security, which includes knowledgeable members with security background. However, transparency is still lacking and parliamentary monitoring of defence procurement seems to be less than adequate.

Legal framework
(No relevant information found)

References

BICC 2004

OECD 2003

PRSP 2000

US DOS 2005

US DOS 2005a
### Togo

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<tr>
<th>Sector</th>
<th>Comment</th>
<th>Sources</th>
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<tr>
<td>Defence force</td>
<td>In February 2005, President Gnassingbe Eyadema died after ruling Togo since 1967. In an unconstitutional move, the military leadership sworn in as President Faure Gnassingbe, the late President’s son. There were elections in April, which were characterised by protests, violence and widespread accusations of vote tampering. The UNCHR stated that many people fled the country during this period because they experienced abuse and aggression from the army and police. The army was noted for breaking into people’s houses, targeting young males, beating them and shooting at some when they met resistance.</td>
<td>US DOS, BBC</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
<td>BBC</td>
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<tr>
<td>Police force</td>
<td>(No relevant information found)</td>
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<tr>
<td>Non-state actors</td>
<td>(No relevant information found). There are no organised insurgent movements operating inside or outside of Togo that directly threaten its government or general population.</td>
<td>CR</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>In April 2004 the Government of Togo signed an agreement with the EU that included 22 commitments to honour as a precondition for resumption of EU aid. Among these was the release of 500 prisoners and removing prison sentences from most provisions of the Press Code. Recently, the EU has allotted 8 million Euros to help Togo reform its justice system and promote human rights. Furthermore, Faure Gnassibe has stated that he hopes to &quot;loosen up the judiciary.&quot;</td>
<td>US DOS, RofT(a), RofT(b)</td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>(No relevant information found)</td>
<td></td>
</tr>
<tr>
<td>Legal framework</td>
<td>In 1999, the government began a dialogue with the opposition group that led to a signed accord called the Lome Framework Agreement. The accords addressed many issues including the legal status of opposition leaders, the safe return of refugees and the security of all citizens. The accord also contained a provision for compensating victims of political violence. Current President Gnassingbe faces a significant challenge in trying to implement democratic reforms and revive Togo’s deteriorating economy.</td>
<td>US DOS</td>
</tr>
</tbody>
</table>

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- BBC, BBC News. Togolese flee security forces. 2005/05/02 www.bbc.co.uk


RofT(b) Republic of Togo. Togo: a state of grace after the storm. www.republicoftogo.com 18/09/2005

## Uganda

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<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tbody>
<tr>
<td><strong>Defence force</strong></td>
<td>The Uganda People’s Defence Force (UPDF) is relatively large, consisting of 60,000 soldiers. Until April 2004, President Museveni himself was active in the UPDF, with the rank of General. He retired from the army because of a new legal requirement which bars serving soldiers from being active members of a political party. In the past, donors – primarily the UK Government and the World Bank – have strongly encouraged Uganda to undertake military reform. As a condition for further international aid, since 1996 the donor community is thought to have imposed a ceiling on Ugandan defence spending of two percent of GDP. In 1997, the World Bank funded a Logistics and Accounting Reform Programme (LARP). The main objective was to study and make recommendations for the reform of logistics, budgetary and financial control systems. In 1998 the UK funded a Uganda Defence Efficiency Study (UDES) whose aim was to study and make recommendations on how to reform the UPDF, thereby particularly taking into account openness, transparency and accountability. Among other things, it recommended to conduct a comprehensive Defence Review, which proceeded in 2001 with support of the UK Government (for more information, see section on Defence Ministry). The Defence Review was completed in 2004. Together with the Uganda Human Rights Commission (UHRC) the UPDF conducts training programs to educate officers on internationally recognised human rights standards. The UPDF uses a human rights manual in its training courses. A senior staff and command college was established at Kimaka, Jinja. The first intake of senior officers was admitted in July 2004. At the same time a bill was presented to parliament, which – if enacted into law – would address issues of welfare of the army, recruitment, promotion, status of the reserve forces, and command structures, and “provide for efficient running of a modern, professional, well-equipped army.” According to the US State Department, the UPDF has also “made attempts to improve relations between soldiers and civilians.“ However, security forces apparently continued to torture and abuse civilians. US International Military Education and Training (IMET) programs provide training in human rights, officer professionalism, peacekeeping and civil-military relations.</td>
<td></td>
</tr>
<tr>
<td><strong>Defence ministry</strong></td>
<td>Since 1997, the Ugandan government has been working on the Ugandan Defence Reform Programme (UDRP), with the goal to improve the budgetary process in the defence sector. With support from the UK Government, a White Paper process was initiated in 2002. The objective was to formulate a defence policy and program, and price it. The White Paper was made available in December 2003 and discussed in Parliament in early 2004. It contains, among more short-term planning, a large procurement spree over the period of 15 years, priced at UGX 5.4 trillion (3 billion US$). Given these requirements identified by the UDRP, donors have apparently lifted the ceiling of 2 percent on</td>
<td>BICC 2004</td>
</tr>
<tr>
<td><strong>Police force</strong></td>
<td>The police is under the authority of the Ministry of Internal Affairs. Members of the police have committed numerous serious human rights abuses. Furthermore, the police force is widely perceived to be ineffective. Major constraints include low pay and a lack of vehicles, equipment and training. In 2004, widespread corruption resulted in the dismissal of some local police officials.</td>
<td>US DOS 2005</td>
</tr>
<tr>
<td><strong>Non-state security actors</strong></td>
<td>(No relevant information found)</td>
<td></td>
</tr>
<tr>
<td><strong>Intelligence services</strong></td>
<td>“Spurred in part by the Defence Review, the civilian intelligence agencies have begun drafting a new “intelligence” policy to comply with the demands of the 1995 Constitution.”</td>
<td>OECD 2003</td>
</tr>
<tr>
<td><strong>Penal justice</strong></td>
<td>“Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays limited due process rights, including the rights to a fair trial.” In 2001 a sector-wide Justice, Law and Order Reform Programme was launched, which was supported by the Dutch Government. According to human rights reports, prison conditions are harsh and life threatening. The central prison system works with NGOs and the donor community to improve prison buildings, water and sanitation systems, food, and the provision of uniforms. However, so far progress has been minimal. The Community Service Act seeks to reduce prison congestion by allowing minor offenders to do community service instead of being imprisoned. Since 2001, 1,726 offenders have been sentenced to community service in 4 pilot districts. By the end of 2004, the program had been expanded to 10 additional districts.</td>
<td>US DOS 2005 OECD 2003 US DOS 2005</td>
</tr>
<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>The Ugandan parliament has a committee on Defence and Interior, which votes on the government’s budget plan. The submission of the budget is made based on a consultation process within the defence sector and in co-ordination between different ministries. The relatively high level of openness with which the defence sector is discussed in parliament and the critical reporting on the theme in Ugandan newspapers are remarkable.</td>
<td>BICC 2004</td>
</tr>
<tr>
<td><strong>Legal framework</strong></td>
<td>“Throughout 2004, debate continued over the recommendations of the Constitutional Review Commission (CRC) on moving the country towards a multi-party political system and on lifting the two-term presidential limit ahead of elections due in 2006. In November 2004 the Constitutional Court held that certain sections of the hotly contested Political Parties and Organisations Act (PPOA) of 2002 were unconstitutional and infringed civil and political rights such as the rights to freedom of association and assembly. Despite calls for its abolition, the Constitutional Review Commission recommended that the death penalty be retained and should remain mandatory for the crimes of murder, aggravated robbery, kidnapping with intent to murder, and rape of minors below the age of 15. The government responded in September 2004 by accepting the recommendations and noting that treason was not listed among the crimes carrying a mandatory death sentence.”</td>
<td>AI 2005</td>
</tr>
</tbody>
</table>
References

AI 2005  

BICC 2004  

OECD 2003  

Parliament 2004  

Rusoke 2003  

SIRPI 2003  

US DOS 2005  

US DOS 2005a  
## Zambia

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<th>Sector</th>
<th>Comments</th>
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<tr>
<td>Defence force</td>
<td>The United States supports the armed forces through its International Military Education and Training (IMET) programs. In 2006, IMET will enable Zambian military personnel “to attend courses at the Defence Institute of International Legal Studies and US military staff colleges, and receive training in counter-terrorism, corruption investigation, and medicine. Medical training will complement Emergency Plan projects to address the crisis of HIV/AIDS in the Zambian military.”</td>
<td>US DOS 2005a</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>Members of the security forces “committed numerous serious human rights abuses“ in 2004. Suspects in police custody are frequently tortured. Prison conditions are harsh and life threatening. “The lack of professionalism, investigatory skill, and discipline“ in the police force is a serious problem. Low salaries and substandard government housing exacerbate police corruption, as do poor working conditions. However, the government of Zambia took some steps to address these problems. “Some police officers who committed these abuses were disciplined or remained in detention pending trial; however, most did so with impunity.” The government also established a Commission for Capacity Building for “good governance, sensitisation meetings and training of law enforcement officers.“ In 2004, the Commission undertook three human rights seminars for police officers and three prison inspections. In addition, a Police Public Complaints Authority (PPCA), which provides the public with a place to direct complaints of police harassment and abuse, was installed in 2003.</td>
<td>AI 2005, US DOS 2005, PRSP/PR 2005, US DOS 2005</td>
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<tr>
<td>Non-state security actors</td>
<td>(No relevant information found)</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>The judicial system is hampered by inefficiency, corruption, and lack of resources. However, reform efforts in the governance sector concentrate mainly on constitutional and judicial reforms “including the rehabilitation of court infrastructure, electoral reforms and enhancement of public accountability and transparency”. “Government improved access to the justice delivery system through a number of reforms and interventions. These included the establishment of the Mediation as Alternative Dispute Resolution Mechanism. In addition, a Committee to realise the Small Claims Court was set up. The Commercial Courts set up in 2000 to speed up the delivery of justice of commercial nature continued to make progress. The Juvenile Justice Systems, aimed at respecting children’s rights in the administration of Justice were also implemented in Kitwe, Ndola, Livingstone and Lusaka, with assistance from Co-operating Partners amounting to US $ 216,450. In order to enhance information...</td>
<td>US DOS 2005, PRSP/PR 2005</td>
</tr>
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</table>
dissemination and easy retrieval, and processing of case records, the Judiciary undertook the computerisation of the criminal and civil registries at the Lusaka High Court Registry as well as the networking and connecting of Lusaka High Court, Central Administration and Chikwa courts. Co-operating Partners contribution towards this exercise was US $ 53,442.“

| Parliamentary oversight bodies | “Government continued to implement Parliamentary Reforms to enhance accountability, transparency and good governance. Parliamentary scrutiny of the Executive was improved by decongesting the business of the house to Committees. The ability of Parliamentary Committees to review reports was improved. In addition, live Parliamentary debates continued to be covered on FM radio up to a radius of 50 kilometres.” | PRSP/PR 2005 |
| Legal framework | A Constitutional Review Commission (CRC) was appointed by President Mwanawasa in April 2003. Its aim is to “address a number of governance issues in the constitution. As of June 2004, the Commission was still gathering submissions countrywide.“ | AI 2005 PRSP/PR 2005 |

References

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**Zimbabwe**

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>The Zimbabwean Armed Forces consist of the Zimbabwean Defence Forces (consisting of several smaller units), the Air Force of Zimbabwe as well as the newly created elite Presidential Guard that was trained by North-Korean specialists. The latter stands outside the normal command structure of the armed forces. The Zimbabwean Defence Forces were downsized after the end of the Mozambican civil war and because of fiscal stringency. However, the Armed Forces play a decisive role in the execution of internal policies in favour of the ruling party of Mr. Mugabe. They are used to oppress demonstrations of the opposition party “Movement for Democratic Change” (MDC).</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Defence ministry</td>
<td><em>No relevant information found</em></td>
<td>IRIN(a)</td>
</tr>
<tr>
<td>Police force</td>
<td>The effectiveness of the central controlled Police forces diminished recently because of increasing crime rates and personnel and equipment shortages. An increasing politicisation of the police forces in the upper echelons was noted. Unqualified personnel were incorporated into the police because of their membership in the ruling party. Police forces repeatedly assisted or executed crimes against people accused of political crimes.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td><em>No relevant information found</em></td>
<td></td>
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<tr>
<td>Intelligence services</td>
<td>The Central Intelligence Organisation (CIO) serves as the national intelligence agency. The CIO observes and members of the political opposition and is further involved in numerous cases of ill-treatment and torture of such individuals.</td>
<td>OECD 2003 AI 2005</td>
</tr>
<tr>
<td>Penal justice</td>
<td>The Zimbabwean law provides for a unitary court system. Civil and customary law cases may be heard at all levels of the judiciary. Although judges can be hold responsible for misconduct and for political reasons, there are no reported cases of such occurrences.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Prison System</td>
<td>The combination of harsh prison conditions and a high number of HIV (up to 60% in the prisons) infected, has led to numerous deaths in prison. Some of these cases might be attributed to abuse or extensive violence used by security forces. Prisons remain overcrowded, they lack of proper food provision and sanitary conditions are disastrous. Diseases rage in the facilities. Recently the conditions worsened due to shortages in the funding of food and medicine. NGOs call for the review of the sentencing for petty crimes to disburden the prisons.</td>
<td>US DOS 2004 IRIN(d)</td>
</tr>
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</table>
Parliamentary oversight bodies

| The government exercises enormous pressure on opposition parties and politicians as well as on civilians and organisations that are seen as working against the interests of the government. USAID supports the strengthening of civil society organisations as well as certain governmental institutions. The project aims at the promotion of sustainable dialogue and public discourses. 1. Supporting Civil Society Organisations that demand greater inclusiveness in national-level decision-making through improved advocacy to Parliament 2. Supporting the parliamentary reform program to strengthen the legislative process, the parliamentary committee system and the capacity of Parliament to involve citizens in parliamentary business 3. Providing technical assistance and training to urban and rural local authorities that are committed to democratic reform | US DOS 2004 USAID 2005 |

Legal framework

| In June 2004, the Parliament passed the Criminal Procedure and Evidence Amendment Act. With this act, the Police get the right to hold persons that are suspected of economically related crimes for up to four weeks without bail. The Official Secrets Act and Public Order and Security Act (POSA) grant extensive legal powers to the government and increases the power of the police forces, the Ministry of Home Affairs, and the President for the prosecution of people accused of political and security crimes. A 22-clause Constitutional Amendment Bill was approved by the parliament. Human rights groups fear that these amendments undermine basic freedoms. They includes the abolition of freehold property titles, removes the landowner’s right to appeal expropriation, usurps the authority of the courts and restricts the movement of Zimbabweans. Furthermore, the parliament will be reconstitute as a bicameral legislature. The new created senate does not have the authority to initiate legislation, only to review legislation proposed by the assembly. A further constitutional amendment was proposed by the government, to restricts the right of free movement within the country. The amendment claims to increase internal security. | US DOS 2004 IRIN(b) IRIN(c) |

References


Inventory of security sector reform (SSR) efforts
In developing and transition countries:
Asia & Oceania

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<tr>
<td>Defence force</td>
<td>The military reform process, led by the United States with assistance from a number of donor countries, including Britain, France and Turkey, has two components - the creation of an Afghan National Army (ANA) and the reform of the Afghan Ministry of Defence (MoD). The US has established National Army Volunteer Centres (NAVC) in several provincial capitals staffed by specially trained ANA officers, and will provide recruits with food and accommodation until they are deployed to the KMTC. As of March 2005, US Defence Department had trained more than 18,300 Afghan combat troops—over 42 percent of the army’s projected total of 43,000— and deployed them throughout the country. During 2004, the Department of Defence significantly accelerated Afghan combat troop training. However, Defence efforts to fully equip the increasing number of combat troops have fallen behind, and efforts to establish sustaining institutions, such as a logistics command, needed to support these troops have not kept pace. Plans for completing these institutions are not clear. <a href="http://www.gao.gov/highlights/d05575high.pdf">http://www.gao.gov/highlights/d05575high.pdf</a></td>
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<tr>
<td>Defence ministry</td>
<td>In the Defence Ministry, two attempts have thus far been made to implement institutional and personnel reforms. The first, in early 2003, resulted in some new appointments within the general staff, however, it did not significantly alter the balance of power within the Ministry. The second, launched in September 2003, saw twenty-two new appointments created, affecting all the senior positions within the Ministry, including five deputy ministers. The recent creation of a recruitment board, which will determine new appointments, should enhance both the speed and accountability of the process.</td>
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<tr>
<td>Police force</td>
<td>The ‘German Project for Support of the Police in Afghanistan’. Since March 2002, the project has launched a number of initiatives including the re-establishment of the central command in Kabul and the initiation of a reform programme for the Ministry of Interior; the rehabilitation of the Kabul Police Academy, responsible for training the officer and the non-commissioned officer (NCO) corps of the police services; and the provision of equipment to enhance police communications and mobility. In early 2003 the US, in an effort to expedite the formation of a professional national police service, established a centre in the capital to rapidly train rank-and-file police. The US commitment was subsequently expanded to include the construction of eight Regional Training Centres (RTC), mirroring the CTC. As of June 2004, six of the RTCs in Kabul, Paktia, Jalalabad, Kunduz, Mazar-i-Sharif, and Kandahar had begun operation and two more in Bamiyan and Herat were scheduled for construction by the end of 2004. The Ministry of Interior Reform. Germany and the US have developed parallel schemes to reform the Ministry. Germany has contributed a senior advisor to the Minister of Interior while the United States has embedded a team of eight policing experts within the Ministry to carry out reforms at the operational level. Ensuring that the Ministry is governed in an</td>
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efficient and accountable manner is the lynchpin for police reform. Interior Ministry officials are considering a number of options to overhaul the institution to ensure it is operated in accordance with international standards of good governance, including the establishment of a Civil Service Academy and the launch of in-service training. Germany and the United States had trained more than 35,000 police as of January 2005 and expect to meet their goal of training 62,000 police by December 2005. [http://www.gao.gov/highlights/d05575high.pdf](http://www.gao.gov/highlights/d05575high.pdf)

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<tr>
<th>Paramilitary forces</th>
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<tr>
<td><strong>Intelligence services</strong></td>
<td><strong>National Security Directorate (NSD).</strong> The NSD is one of the largest institutions in the country, consisting of 15,000-20,000 employees. It is rife with corruption and unrepresentative of the country’s ethnic make-up. The US Central Intelligence Agency (CIA) and the Government of Germany are currently spearheading reform efforts, but the process has been characterised by a lack of transparency and co-ordination. The goal of the programme is to create a non-political, non-partisan and accountable security service. Among the significant accomplishments made have been the establishment of a merit based appointment system and the promulgation of a charter that circumscribes the wide powers of arrest and detention that it previously held. Plans have been made to create an Intelligence Academy that will train 5,000 new officers within five years.</td>
</tr>
<tr>
<td><strong>Penal justice</strong></td>
<td>Italy is assisting the justice reform in Afghanistan. The Afghan Ministry of Justice has embarked on basic training in human rights for key national prison staff in the capital Kabul. The training seeks to establish humane treatment of prisoners in a country where penal standards are poor. According to the ministry, lack of resources and management skills mean the country's crumbling jails fall far short of minimum international standards. The training of prison staff will be an essential component of penal reform. The four-week training package would work with 100 staff every month. Experts from Kabul University, the national police academy and the United Nations Office on Drugs and Crime (UNODC) are involved in training the prison staff. UNODC is the lead agency in implementing reform within the justice and penal system. The agency said it had provided equipment and fees for teachers plus some international experts to boost the justice ministry's capacity. Also UNODC will arrange training for trainers in order to create specialised groups of prisons staff who will then be able to train their colleagues. <a href="http://www.cidi.org/humanitarian/hsr/centralasia/ixl47.html">http://www.cidi.org/humanitarian/hsr/centralasia/ixl47.html</a></td>
</tr>
<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>According to Article 89 of the new Constitution (1) The House of Representatives [Wolesi Jirga] has the authority to set up a special commission if one-third of its members put forward a proposal to inquire about and study government actions. However, the implementation of This norm in practice highly doubtful in the current situation, as well as overseeing of security forces. <a href="http://www.oefre.unibe.ch/law/icl/af00000_.html">http://www.oefre.unibe.ch/law/icl/af00000_.html</a></td>
</tr>
<tr>
<td><strong>Legal framework</strong></td>
<td>In most of Afghanistan, the rule of law has never been strong, but after 23 years of warfare it has been displaced almost completely by the 'rule of the gun.' In most of the country, regional power-holders, whether they hold official positions or not, effectively exercise political, police and judicial authority through their control of militia forces.</td>
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<td><strong>DCAF 2004</strong></td>
<td><strong>IRIN 2004</strong></td>
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The justice system and law enforcement suffer from a very low level of human resource and physical infrastructure capacity. In addition, the discontinuity of regimes over the last quarter century has left a patchwork of differing and overlapping laws, and an incoherent collection of security structures. Rebuilding and reform will require the commitment of Afghan authorities and foreign donors over a long haul. The new Constitution of Afghanistan was adopted by Grand Council on: 4 Jan 2004.

References

USIP  http://www.usip.org/pubs/specialreports/sr117.html

# Bangladesh

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<tr>
<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>In 2001, the Bangladesh Army took a decision to induct women in officers’ corps. The recruiting process begun in a two-year training programme at Bangladesh Military Academy.</td>
<td>BA 2005</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>A $13 million program commenced for Strengthening Bangladesh Police Project. Launched under the Ministry of Home Affairs in collaboration with the United Nations Development Programme and funded by the United Kingdom’s Department for International Development, it will help improve performance and professionalism at all levels of the police force. The program will put in place better human resource management, introduce better merit-based recruitment, institutionalise training and evaluation, and increase female recruits. Additionally, it will focus on strategy and oversight, with police officers’ core functions clearly established and widely known, crime prevention targeted, clear performance targets established and monitored, and anticorruption and complaints against police made more robust and accessible. Before the Strengthening Bangladesh Police Project started, an assessment team concluded that reform of the Bangladesh police would take at least 9 years, and identified weak management, corruption, lack of strategic planning and public confidence, limited training, and widespread abuse of authority as the problems.</td>
<td>UNDP 2004 ADB Review 2005</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards</td>
<td>In March 2004, the government authorised a special elite force, known as the Rapid Action Battalion (RAB), as part of its anti-crime initiative. The RAB is comprised of members of the armed forces, the police, and the Bangladesh Rifles and Ansars, both paramilitary groups. The RAB became operational in June 2004. While the RAB has been credited by many Bangladeshis with improving domestic law and order, more than 100 alleged notorious criminals have been &quot;killed in crossfire&quot; during shootouts with the RAB or have been &quot;killed while trying to escape.&quot;</td>
<td>US DOS 2005</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>Prison Reform International (PRI), together with its partner, Bangladesh Legal Aid Services Trust (BLAST), conducted a second Good Prison Management Training workshop for senior prison staff from 14-17 January 2002. It was supported by FCO, UK.</td>
<td>PRI 2002</td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>Bangladesh opted to a parliamentary democracy following independence in 1971 in which establishment of a sovereign legislature was sought. The main thrust was to ensure the sovereignty of the people exercised through a democratically elected representative body called the legislature. In today's parliamentary system, most of the works related branch of the government headed by a Prime Minister, who is accountable to the parliament. The parliament is supposed to exercise control over the government through legislative business, for which the government has to</td>
<td>UNPAN 2000</td>
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</table>
rely on parliamentary approval. Besides, ministers including the Prime Minister are answerable to the parliament for their actions.

| Legal framework | Bangladesh President Shahabuddin Ahmed signed into law a Public Safety (Special Provisions) Bill on February 14 giving sweeping powers to the police. The Bangladeshi parliament scrapped a controversial anti-terror law on Tuesday. It says the aim of the new law is to curb crime and ensure a speedy trial, not to harass the opposition. | 2000 | 2002 |

**References**

- **BA** Bangladesh Army Official Website [http://www.bangladesharmy.info/history/hisarmy.htm](http://www.bangladesharmy.info/history/hisarmy.htm)
- **US DOS** [http://www.state.gov/e/eb/ifd/2005/41981.htm](http://www.state.gov/e/eb/ifd/2005/41981.htm)
Cambodia

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>Military demobilisation became one of the top priorities in reform set forth by the second-term coalition government (1998-2003). The military demobilisation program started in May 2000, and had originally planned to reduce 1,1500 soldiers in the year 2000 in provinces of Kampot, Kompong Thom, Battambang and Banteay Meanchey, and 10,000 more for the year 2001 and another 10,000 in 2002. However, the downsizing plan for 2000 failed to finish due to the delay of pledged assistance by international organisations and donor countries. <a href="http://english.people.com.cn/english/200104/17/eng20010417_67925.html">http://english.people.com.cn/english/200104/17/eng20010417_67925.html</a> To address problems in the military, the Cambodian government and donors agreed to establish a smaller, more professional military. Specifically, the goals were to lower military spending by formally discharging 31,500 soldiers (about 24 percent of the armed forces) out of a total registered force of more than 130,000, by the end of 2002; channel savings into priorities such as health, education, and rural development; transition soldiers to full civilian employment; and create a professional military. Cambodia is making progress in implementing its military reform program, according to government and donor officials. With extensive technical and financial assistance from the donors — most notably the World Bank the Cambodian government has implemented many of the actions it agreed to undertake and is working to complete the rest. To achieve its goal of lowering military spending, the government discharged 1,500 soldiers in 2000 and 15,000 in 2001 and removed them from the government payroll, according to World Bank officials. It plans to discharge another 15,000 soldiers in 2002, for a total of 31,500 discharged soldiers. To create a more professional military, the Cambodian and Australian governments collaborated on a strategy document that describes the military’s roles and responsibilities in light of Cambodia’s return to relative peace. The governments of Australia, China, France, India, and Vietnam are training Cambodia’s armed forces.</td>
<td>GAO 2002</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
<td>2001</td>
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<tr>
<td>Police force</td>
<td>A 2002 sub-decree established the General Commissariat of the National Police, which is under the supervision of the MOI, manages all civilian police units. Council of Ministers on Friday examined a new royal decree for the public functioning of the police nation-wide in a move to reform it into a better-qualified authority. The decree has spelled out the daily functioning of the police nation-wide, that includes how to recruit police officers, salary, rank, position, rights and obligation, retirements and judicial roles. It is reported that the government has employed some 60,000 police nation-wide, but in a move to reform the sector, the government will demobilise some 20,000 police officers until 2003 in order to strengthen performance of the body.</td>
<td>US DOS HRR 2004</td>
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<td>Paramilitary forces</td>
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<th>Intelligence services</th>
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<td>Penal justice</td>
<td>Cambodian Prisons Department was civilianized and separated from the National Police Force following the issue of a Royal Decree in March 2000. Cambodia’s prison system is changing, albeit slowly, to operate within the United Nations Minimum Standards and guidelines. The Ministry if Interior in consultation with other Government Ministries and Agencies is making some effort to replace old and antiquated prisons as referred to above. There are a number of other issues however, that now impact of the operation of prison management within the country. The Royal Government is preparing a new Penal Code of 818 articles, to replace the temporary laws established during UNTAC period, that will provide for a range of new offences not previously covered in the laws. To address these issues, the Royal Government of Cambodia’s is pursuing improvements in the legal and criminal justice sector through its reform agenda within the sector, continued support is being provided by a number of donor countries. These include Australia with a second five year phase of the Cambodia Criminal Justice Assistance Project, the French Government with support to developing criminal laws and a Royal School of Magistracy and the Japanese Government with assistance to the National Police and Ministry of Justice.</td>
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<tr>
<td>Parliamentary oversight bodies</td>
<td>The average overall score for performance (covering level and range of activity, impact of activity and the governance benefits of accountability, transparency and participation) = 1.7. In other words, overall respondents rank the parliament as being well below &quot;somewhat effective&quot; in terms of its performance - lets call it slightly effective. With respect to the five attributes of performance, there is a significant difference between the higher rating given to level and range of activity and the rating given to governance outcomes of accountability, transparency and participation. I would interpret this to mean our respondents rate parliament as being somewhat active and having some slight degree of influence but as performing very poorly when it comes to support for good governance.</td>
</tr>
<tr>
<td>Legal framework</td>
<td>In May 2003, the Council for Legal and Judicial Reforms (CLJR) produced a draft Justice Sector Program and held workshops with civil society, donors, and other interested parties. During the year, the Council co-operated with donors to implement the Justice Sector Program, and forwarded numerous draft laws to the National Assembly for approval, including draft laws on the Statute of Magistrates, Administrative Court, and amendments to the law on the Organisation and Functioning of the Supreme Council of Magistracy. In addition, in November the CLJR forwarded Action Plans for legal reform goals to the Council of Ministers</td>
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**References**

APCCA  Asian and Pacific Conference of Correctional Administrators  
http://www.apcca.org/News&Events/Discussion%20Papers%20-%20agenda%201/Cambodia.htm
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<th>Agency</th>
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<td>PC</td>
<td>Canadian Parliamentary Center</td>
<td><a href="http://www.parlcent.ca/indicators/cambodia_analysis_f.php">http://www.parlcent.ca/indicators/cambodia_analysis_f.php</a></td>
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China

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<tr>
<td>Defence force</td>
<td>According to the Headquarters of the General Staff of the Chinese People's Liberation Army (PLA), a program is currently underway to change the structure of the Chinese military by cutting its divisions and increasing brigades. The program will increase the number of land army corps, which are designed to have a three-level command system (namely corps, brigadier and battalion levels), adopted by the Chinese forces for the first time. At the same time, the command levels of the air force and the navy will be reduced, said the paper, but gave no further details. The total of the officers serving at headquarters or functional branches at different command levels will be cut to a new low and some grassroots posts previously held by officers will be handed over to skilled soldiers or non-service civil servants. The reform would serve to optimise the internal structure, increase science and tech contents and intensify the joint combat command capability of troops. The establishment readjustment should be ensured to be complete before the end of 2005. The proportion of officers to soldiers in the Chinese military, together with other related policies, will also be lifted greatly. China issued a White Paper on national defence in 1995, 1998, 2000, 2002 and 2004 respectively.</td>
<td>TSR2005</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
<td>PDO 2004</td>
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<tr>
<td>Police force</td>
<td>The Ministry of Public Security (MPS) co-ordinates the country's law enforcement, which is administratively organised into local, county, provincial, and specialised police agencies. Recent efforts have been made to strengthen historically weak regulation and management of law enforcement agencies; however, judicial oversight is limited and checks and balances are absent.</td>
<td>US DOS</td>
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<tr>
<td>Paramilitary forces</td>
<td>(No relevant information found)</td>
<td>HRR 2004</td>
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<td>Intelligence services</td>
<td>(No relevant information found)</td>
<td>PDO 2004</td>
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<tr>
<td>Penal justice</td>
<td>China started a trial project on community correction in 2002 in six provinces and municipalities, including Beijing, Shanghai and east China's Jiangsu Province. Since 2003, every province or autonomous region has started community correction in a pilot city. The ministry plans to divide prisons into three types: low security, medium security and high security, according to the harm their inmates might do to society, especially the violence of the crimes for which they were incarcerated. Currently the government sorts prisons in two different ways. They are categorised by whether their inmates have long or short terms, and there are also separate prisons for men and women and education centres for juveniles. China, which has approximately 1.5 million prison inmates, including some 19,000 juveniles, is borrowing ideas from other countries to reform its penal system. Most of the 670 prisons in China are now equipped with facilities and personnel to give psychological treatment to inmates, and some of them</td>
<td>PDO 2004</td>
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A new prison covering 40 hectares and accommodating 1,000 inmates in Beijing is used as a pilot project for the reform of China's penal system. The Yancheng Prison is the first prison under the direct control of the Ministry of Justice. There are over 700 prisons in China. Except the Yancheng Prison, all other prisons are under the administration of provincial or municipal governments. The new jail is housing convicted government officials and foreigners, and conducting research and experiment on how to protect the legal rights of inmates. The Central Prison is serving as a trial base for new administrative measures to be introduced to other prisons. People management has been used in this prison, and educational schemes, psychotherapy and community correctional methods will also be in place for the rehabilitation of prisoners. They will also consider a major move to separate prisons from subsidiary enterprises. Since the foundation of New China, prison enterprises, also called "reform-through-labour camps", have served as correctional bases for prisoners, who make money from their labour to help improve their living conditions.

Courts at all levels have been ordered to set tougher procedural standards for trials involving the death penalty - a step legal experts have hailed as a sign that China will reduce its use of capital punishment. China uses the death penalty for a wide range of crimes, from murder to economic crimes such as corruption. The focus of reforming the punishment system is not to abolish the death penalty but to set up more long-term prison sentences (20- or 30-year sentences) to reduce the use of the death penalty. http://www.prisontalk.com/forums/showthread.php?t=138576

Parliamentary oversight bodies
China's collective leadership is based on the pervasive authority of the Communist party, which is reinforced by military and security organs. All key government leaders also hold significant positions in the Communist Party. Stability is maintained by the military's strong support for the Party. Top-level national security issues are overseen by Party's Politburo with the counsel of the most senior military leadership body, the Central Military Commission (CMC). http://www.pacom.mil/publications/ap.eu02/s09govdef23.pdf

Legal framework
Significant legal reforms continued during the year, including a Constitutional amendment specifically to include protection of citizens' human rights and legally obtained private property for the first time. In July, the Government enacted the Administrative Procedures Law, which prohibits government agencies from violating citizens' rights or seizing property without clear legal authority. http://www.pacom.mil/publications/ap.eu02/s09govdef23.pdf

References
TSR Taiwan Security Research
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<th>Source</th>
<th>Description</th>
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<tr>
<td>US DOS HRR</td>
<td>US Department of State</td>
<td><a href="http://www.state.gov/g/drl/rls/hrrpt/2004/41640.htm">http://www.state.gov/g/drl/rls/hrrpt/2004/41640.htm</a></td>
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## East Timor

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<th>Sources</th>
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<tr>
<td><strong>Defence force</strong></td>
<td>The UNMISET ceded on May 20, 2004 authority for maintaining external security to the national defence forces (F-FDTL / Falintil-Forca Defesa Timor-Leste). The UNPKF, the peace keeping forces, remain as rapid response force and border control. The small numbers of F-FDTL members impede effective execution of duties. The government increased the armed forces budged significantly.</td>
<td>US DOS 2004, ASF 2003</td>
</tr>
<tr>
<td><strong>Defence ministry</strong></td>
<td>The F-FDTL is responsible to the Superior Council for Defence and Security on a transitional basis, until the Council, supervised by the president is established. The civilian Secretary for State Defence precedes over the councils tasks.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td><strong>Police force</strong></td>
<td>UNMISET ceded authority to maintain internal security from the UN police forces (UNPOL) to the national police forces (PNTL, or Policia Nacional de Timor-Leste) on May 20, 2004. UNPOL forces remain as advisory units to support PNTL development. The PNTL is responsible to the civilian minister of the interior. Police forces remain poorly equipped and untrained. Several security disturbances occurred, peoples’ faith in the security institutions is weak, because the state has allowed Indonesians to work in the PNTL.</td>
<td>US DOS 2004, ASF 2003</td>
</tr>
<tr>
<td><strong>Paramilitary forces, including border guards, Private security forces</strong></td>
<td>UNPKF forces remain responsible for border control.</td>
<td>US DOS 2004</td>
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<tr>
<td><strong>Intelligence services</strong></td>
<td>(No relevant information found)</td>
<td></td>
</tr>
<tr>
<td><strong>Penal justice</strong></td>
<td>Appeal Courts have become fully functional and are at work. However, no Supreme Court has been established, so that the Appeal Court remains the countries highest tribunal. Most trial judges are only trained in Indonesian law, while most appellate judges received their education elsewhere and generally do not speak Indonesian. After the Serious Crimes Unit (SCU), formed by UNTAET, ceased investigations in November 2004, an Ad Hoc Tribunal was established in Indonesia and was assigned the responsibility to take over cases from East Timor. The court failed to effectively respond to the ‘crimes against humanity’, committed in East Timor in 1999. The UN was appointed to evaluate the court and recommend next steps to obtain further accountability. A democracy program sponsored by USAID aims to improve citizens’ access to justice through</td>
<td>US DOS 2004, USAID</td>
</tr>
<tr>
<td><strong>Prison System</strong></td>
<td>The prisons meet international standards, but are deteriorating. No cases of overcrowded cells were reported.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>The governments of East Timor and Indonesia agreed to form a bilateral Truth and Friendship Commission to address bilateral issues.</td>
<td></td>
</tr>
<tr>
<td><strong>Legal framework</strong></td>
<td>The government has serious problems in creating working justice sector institutions; recruiting and training qualified judges, prosecutors and defence attorneys. Personnel shortages, bureaucratic and managerial inefficiency only add to the problem.</td>
<td>US DOS 2004</td>
</tr>
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**References**


# India

## Defence force

Since 2001, institutional and technical reform has been carried out. There were attempts to decrease bureaucratic control over the armed forces by giving more financial power to the military, creating a defence procurement board and integrating different branches. The armed forces are being modernised by obtaining equipment for combating terror, strengthening the air force and increasing the capacity of the navy with cruise missiles and nuclear submarines from Russia (2005). The army has been often noted for its participation in human rights abuses, torture and extra judicial killings. In 2004, investigations were carried out to look into these allegations and some officers were punished with a life sentence, jail term and dismissals from the army. Moreover, the Prevention of Terrorism Act and the Armed Forces Special Powers Act were reviewed to prevent further abuses, however, the army officers still benefit from immunity for their acts and the abuses that are still committed.

Sources: Amnesty International (2005), BBC (2004), US Department of State

## Defence ministry/ General Staff

The Ministry of Defence carried out a comprehensive review of the National Security System in 2000 in order to cope with new security challenges. As a result of this review, ‘jointness’ was introduced to the army organisation. Although the creation of the post of Chief of General Staff is still pending, a Defence Intelligence Agency was set up, the Defence Technological Council was established for the purpose of modernisation, and different boards were formed within the Ministry of Defence for integrated decision-making in 2001.

Sources: Republic of India Ministry of Defence

## Police force

There are many reported incidents of torture, violence, and abuse under police custody and the politicisation of the police force and human rights violations are ongoing problems. The Review of Malimath Committee between 2001-2003 of India’s justice system proposed some reforms about custody and detention procedures, but still no substantial reform have been carried out except for some case law revision of the Supreme Court level. The law protecting public officials from prosecution is still in force. The UNDP has been conducting projects since 1999 for improving the public-police relations and for training the police personnel about proper conduct of rules.


## Paramilitary forces, including border guards

In 2000, a new initiative was launched for the modernisation of paramilitary forces by upgrading their weaponry and starting regular rotational training. Several problems with the Coast Guards were pointed out by government committees, such as the lack of assets and manpower, inefficient division of labour between the Coast Guards and the police. The creation of a separate Marine Police Wing was proposed.

Sources: South Asia Analysis Group (2005), Indian Land Forces
for increasing the efficiency in protecting the coasts, however, no concrete steps have yet been taken in this regard.

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<tr>
<th>Intelligence services</th>
<th>After 2001, new threat perceptions and international terrorism led to the acknowledgement for the need to upgrade the personnel profile of intelligence services by the government and steps were taken in this direction. The Malimath Committee recommended the establishment of a Criminal Intelligence Bureau at state, national and police station levels with a connected computer database. However, this structure is problematic in terms of data protection and respect of privacy.</th>
<th>Front Line (2004), ICJ Position Paper</th>
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<tr>
<td>Penal justice</td>
<td>The public discontent about the slowness and corruptness of the justice system has led to some reform proposals about court proceedings, witness protection, and evidence assessment. However, no significant change has been made to solve these problems.</td>
<td>ICJ Position Paper</td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>The Committee on Public Accounts is constituted by Parliament each year to examine accounts showing the sums granted by Parliament for expenditure in the Government of India. This Committee may deem fit to oversee such accounts of autonomous and semi-autonomous bodies (except those of Public Undertakings and Government Companies, which come under the purview of the Committee on Public Undertakings).</td>
<td>PUBLIC ACCOUNTS COMMITTEE (PAB)</td>
</tr>
<tr>
<td>Legal framework</td>
<td>The separation of powers is problematic. The independence of the judiciary and the subsequent proposed reforms seem to disregard this situation as in 2003 the post of Director of Prosecution was filled by a high ranking police officer. This goes against the principals of the separation of powers.</td>
<td>ICJ Position Paper</td>
</tr>
</tbody>
</table>

### References

- BBC news: [http://news.bbc.co.uk/1/hi/world/south_asia/](http://news.bbc.co.uk/1/hi/world/south_asia/)
- Republic of India Ministry of Defence: [http://mod.nic.in/aboutus/body.htm#as5](http://mod.nic.in/aboutus/body.htm#as5)
South Asia Analysis Group http://www.saag.org/papers15/paper140.html

Indian Land Forces http://www.bharat-rakshak.com/LAND-FORCES/Para-Military

Front Line http://www.hinduonnet.com/thehindu/thscrip/print.pl?file=20040716001204900.htm&date=fl2114/&prd=fline&
# Indonesia

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>During the authoritarian regime, the Indonesian military dominated the entire aspect of national life. The “era of national reform” has now pushed the military to conduct itself to the external defence of the country. The Indonesian Armed Forces (TNI) are responsible for the external security of the country but are used to ensure internal security, along with the police forces as well. The division of cognisance’s remains unclear. Particularly in the conflict areas of Aceh, the Moluccas, Central Sulawesi and Papua is the TNI participating in internally oriented missions. The security forces continue to exercise decisive political influence and economic power. Members of the security forces are accused of committing serious crimes, particularly in the conflict areas. Indonesian military officers receive training from American military educational institutions to fight against the activities of terrorists in the region. The security forces are in the process of reform, as can be seen by the following developments: 1. Attempts to separate the Police from the Armed Forces 2. Ending the involvement of the military in ‘day-to-day’ politics by discharging military officers from civilian posts. 3. The military held a neutral position during the last elections.</td>
<td>US DOS 2004 SEACSN SSR 2004</td>
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<tr>
<td>Defence ministry</td>
<td>The civilian defence ministry is formally responsible for the armed forces, but does not maintain complete control over these. Some frictions occurred between the Ministry of Defence and the Government concerning the acquisition of jetfighters from Russia. In 2003, the government through the Department of Defence published a defence white paper. As some have argued, the paper titled “Defending the Land and Water at the Start of the 21st Century,” was a clear attempt to put the brakes on the ongoing security reform in the Indonesian Military.</td>
<td>US DOS 2004 SSRI 2004 SEACSN</td>
</tr>
<tr>
<td>Police force</td>
<td>The Police Forces are responsible for the internal security, but repeatedly acted along with the armed forces. Members of the security forces are accused of committing serious crimes, particularly in the conflict areas. Torture is used to force confessions of suspected members of the GAM. The government made no progress in prosecuting all cases. The security forces continue to exercise decisive political influence and economic power. Police forces improved their capabilities in fighting crime and terrorism.</td>
<td>US DOS 2004</td>
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<td>Paramilitary forces, including border guards,</td>
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<td>Private security forces</td>
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<tr>
<td>Penal justice</td>
<td>Although the judiciary has become increasingly independent, it remains influenced by the executive branch, the military, business interests and politicians. On the 1 of April, the Justice Ministry transferred administrative and financial control over the judiciary to the Supreme Court. The newly established constitutional court is more independent and has even ruled against the government. Judges are civil servants employed and controlled by the executive branch. Corruption in the judiciary is widespread. In August 2003 an Ad Hoc Human Rights Tribunal was build up to try the cases concerning crimes committed in East Timor. A second Ad Hoc Tribunal took effect in 2003 in order to investigate the Tanjuk Priok incident from 1984. In Aceh, the first Shari’a court was inaugurated at the end of 2004. There are 19 district religious courts and one court of appeal in the new established system. The courts only try Muslims according to decrees formulated by the Aceh government rather than the Penal Code. The newly established Constitutional Court ruled that the security legislation of 2003 was unconstitutional.</td>
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<tr>
<td>Prison System</td>
<td>Conditions in detention facilities remain harsh and overcrowded. Guards regularly mistreat the inmates. Wealthier prisoners can ‘buy’ better treatment.</td>
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<tr>
<td>Parliamentary oversight bodies</td>
<td>Since the fall of Soeharto’s regime in 1998, Indonesian politics have undergone rapid and dramatic change. The House of Representatives (DPR) passed a legislation to establish a Truth and Reconciliation Commission. The Commission aims to investigate human rights violations before making recommendations to the President. Recently, the government decided to buy Russian jetfighters. This decision invited a rejection from the parliament. However, the White Paper on Defence states that the Minister has the authority to make the policy of arms/weapons acquisition. To some, this situation, to a certain extent shows the lack of understanding among military and civilian officials regarding the powers and authority in defence issues.</td>
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<tr>
<td>Legal framework</td>
<td>In March 2003, the Parliament approved the Bill on the Structure and Organisation of the Armed Forces. The Bill seeks to give authority to the TNI to declare a state of emergency. By doing so, security forces can be deployed without the approval of the President. The Bill contradicts the recently amended constitution and the National Defence Law that codify the President as the supreme commander of the Armed Forces.</td>
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**References**

US DOS 2004  

SSRI 2004  Anak Perwita, Security Sector Reform in Indonesia, Journal of Security Sector Management, 2003,

RSS 2004  Riefqi Muna, Reform of the security sector is fundamental for achieving a democratic Indonesia, 2004

Iran

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<tr>
<td>Parliamentary oversight bodies</td>
<td>The Iranian Constitution firmly establishes the authority and rights of the valli-ye faqih or Supreme leader, who is elected by a clerical body, the Assembly of Experts for his life-time. The Constitution gives him the responsibility to act as the Commander-in-Chief of all the security forces, to declare war or peace and mobilise the security forces, to appoint and dismiss the clerical jurists in the Council of Guardians—a kind of parliamentary upper-house which vets legislation for its compatibility with Islamic law and the Constitution and vets candidates for elected office. In comparison to the Supreme Leader, the President, who is elected for a four-year term with just one additional extension possible, is only the second most powerful official in Iran. The President’s competencies focus primarily on the social, cultural, and economic policies of the country—not foreign policy, despite his nominal chairmanship of the National Security Council.</td>
<td>DCAF 2004</td>
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<td>Legal framework</td>
<td>(No relevant information found)</td>
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DCAF Wilfried Buchta. Iran’s Security Sector: An overview. 2004
www.dcaf.ch/publications/Working_Papers/146.pdf

http://meria.idc.ac.il/journal/2001/issue1/jv5n1a2.html

RAND THE MILITARY AND IRANIAN SOCIETY
Laos

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<tr>
<td>Parliamentary oversight bodies</td>
<td>The Lao People's Democratic Republic is an authoritarian, Communist, one-party state ruled by the Lao People's Revolutionary Party (LPRP). Although the 1991 Constitution, amended in 2003, outlines a system composed of executive, legislative, and judicial branches, in practice, the LPRP continued to control governance and the choice of leaders at all levels through its constitutionally designated &quot;leading role.&quot;</td>
<td>US DOS HRR 2004</td>
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<td>Legal framework</td>
<td>Under the 2003 amendments to the Constitution, the National Assembly Standing Committee appoints judges for life terms; the members of the National Assembly elect the Standing Committee. The Assembly may remove judges from office for &quot;impropriety.&quot;</td>
<td>US DOS HRR 2004</td>
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References

http://www.state.gov/g/drl/rls/hrrpt/2004/41648.htm
### Mongolia

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<tr>
<td>Defence force</td>
<td>Program on development of building of armed forces until 2005 (2002). The principal purpose of military reform is directed to reorganise the armed forces to become a professional and capable army in order to effectively guard and strengthen the state frontier. In 2000, the number of formations and units, as well as personnel was reduced by 30 per cent, and the number of personnel reduced by 2.5 times as military formations and units were transformed from division-unit-battalion structure to battalion’s compact structure. By doing this the Armed forces structure of ‘battalion-unit-division-army’ was transformed to common structure of ‘battalion-unit’ and changes made in formations and units’ location. Military reform was made more in the form than in the content.</td>
<td>DCAF 2003</td>
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<td>Defence ministry</td>
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<td>Police force</td>
<td>In 2002 police reform advanced a step further with a Community Policing project. The Mongolian police reformed from a ‘force’ into a ‘service-oriented’ organisation, and expanded nation-wide in order to spread the Community Policing philosophy. This has became a priority issue in the activities of police divisions and stations in all 22 aimags and 368 soums of Mongolia. Retraining police personnel using Open Society Justice Initiative's police training modules started in the fall of 2002 with a view to improve behavioural skills of police officers and relations between the police force and the public. Additionally, the &quot;Modules Training and Curriculum Development&quot; project had focused on further implementation of these police training modules, interactive training methods, and the development of the curriculum of the Police Academy. As a result, 20 module teaching trainers were prepared and new modern training methods such as free discussion, case study, and role play were introduced. Also, this year MFOS supported the Victim Care project implemented by the National Center against Violence jointly with the Metropolitan Police Department (MPD), aimed at bringing victim empowerment issues to the public as well as policy makers and developing a model victim legal protection system at the Sukhbaatar District Police Division. Moreover, MFOS granted funds to MPD to establish a police web site and communication network between the MDP and districts' police divisions as well as UB city and districts' Citizens Representatives Khurals' and governors' offices. The main advantage of this network is that ordinary citizens could not only have 24-hour access to the police related information, but also could put an inquiry or complaint to the police. Furthermore, the police could share professional information among each other through the network database.</td>
<td>SF 2002</td>
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**Penal justice**

As a result of reports by international human rights observers, in recent years, reforms were undertaken by the Ministry of Justice and Home Affairs upon Parliament's recommendation, resulting in significantly changing the way that accused persons and prisoners are treated. Human rights training for prison management and some police guards were implemented in 2001. A training Center was established under the Court Decision Enforcement Agency (prison administration). During that year, 250 prison guards received training at the Center and 10 went abroad for training. In 2002, the Rule of Law program has continued to focus on strengthening the rule of law in Mongolia through new initiatives to support fair and effective justice reform, based on the rules of law that are prerequisite for an open society. In connection with the new Penal Code provision of "community service", the Community Service Sentencing pilot project has started its first year's activities. The project aims to change criminal policy to be more socially and cost-effective, and promote community involvement, which is conceptually new in Mongolia. Under the project framework, a successful model of community service sentencing has been piloted in the Bayanzurkh district. Based on this pilot, the government will carry out a nation-wide replication of the model.

**Parliamentary oversight bodies**

The State Great Khural is the supreme organ of the State power, and legislative power shall be vested solely therein is defined in the article 20 of the Constitution. That means Mongolia has parliamentary governance. Plenary power such as to establish activities of legal basis of armed forces, to determine major trends of strengthening the basis of state policy and armed forces, to adopting the budget of defence measures shall be exercised by the State Great Khural. Therefore, it directly controls the armed forces. As provided in Article 6 of the Law on Defence, the State Great Khural is authorised ‘to establish legal basis for the defence system and implement civil control over the armed forces and military activities.’

**Legal framework**


**References**

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<tr>
<td>DCAF</td>
<td>Democratic Oversight and Reform of Civil Military Relations in Mongolia: A Self-Assessment <a href="http://www.dcaf.ch/publications/e-publications/Mongolian_Self_Assessment/contents.html">http://www.dcaf.ch/publications/e-publications/Mongolian_Self_Assessment/contents.html</a></td>
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**Myanmar / Burma**

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<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>The current controlling military junta, the State Peace and Development Council (SPDC), is the country's de facto government, with subordinate Peace and Development Councils ruling by decree at the division, state, city, township, ward, and village levels. The Government reinforced its rule with a pervasive security apparatus. Until its dismantling in October, the Office of Chief Military Intelligence (OCMI) exercised control through surveillance, harassment of political activists, intimidation, arrest, detention, physical abuse, and restrictions on citizens' contacts with foreigners. After October, the Government's new Military Affairs Security (MAS) assumed a similar role, though apparently with less sweeping powers. The Government justified its security measures as necessary to maintain order and national unity. Members of the security forces committed numerous serious human rights abuses.</td>
<td>US DOS HRR 2004</td>
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# Nepal

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<td><strong>Defence force</strong></td>
<td>The U.S. Pacific Command (USPACOM) co-ordinates American military engagement and security assistance with Nepal through the Office of Defence Co-operation. American military assistance to the RNA consists of $21.95 million in grant Foreign Military Financing (FMF) since 2002, annual professional and technical training provided under the grant International Military Education and Training Program (IMET) ($650,000 in FY05), additional training provided under Counter Terrorism (CT) Fellowship ($200,000 for FY04), and approximately $2 million to date under Enhanced International Peacekeeping Capabilities (EIPC) funding to increase the pool of international peacekeepers and promote interoperability. Many RNA officers attend U.S. military schools and include the U.S. Army War College, the U.S. Army Command and General Staff College (CGSC) and various conferences and seminars to include those provided by the National Defence University (NDU) and the Asia Pacific Center for Strategic Studies (APCSS). <a href="http://www.state.gov/r/pa/ei/bgn/5283.htm">http://www.state.gov/r/pa/ei/bgn/5283.htm</a></td>
<td>US DOS 2005</td>
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<td><strong>Defence ministry</strong></td>
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<td><strong>Police force</strong></td>
<td>The Nepal Police Development Project (NPDP) Stage 1 has been developed by the Nepal Police working with the Police Adviser. It will build on past achievements but take the reform process much further. It will help to address the core problem that Nepal Police’s working practices and institutional set-up focus on enforcing the law in an authoritarian way rather than on providing a service to protect the community and prevent crime. It will help begin to transform the organisation from a police ‘force’ to a police ‘service’ incorporating increased and better focused community policing. It will do this by supporting essential elements of the recently agreed Action Plan to implement the Nepal Police Strategic Plan. Central to the project is a combination of increased community policing, establishment of an Inspectorate to monitor professional standards and co-ordinate public accountability and Zone level in-service training to support the changes and promote a change in the organisational culture. The only significant initiative to help in the reform of the Nepal Police has been the British government supported Nepal Police Project (NPP). It began in 1994 and ran through to 2001. Its main aim was to turn the Nepal Police into an open and accountable service responsive to the needs of Nepalese society. The project improved senior officer training, trained crime-investigating officials, provided improved facilities for investigating crime, established women and child crime investigation units (WCCIU) and community police service centres (CPSC), and produced the above-mentioned personnel management reports.</td>
<td>PDD 2003</td>
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<td><strong>Paramilitary forces</strong></td>
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<td><strong>Penal justice</strong></td>
<td>In 2003, PRI strengthened its working relationship with the government of Nepal, particularly the Department of Prison Management (DoPM) by helping design a four-year programme on penal reform in Nepal (2003-2007). This project will work to achieve the five complementary outputs of improving the capacity of the Department of</td>
<td>PRI 2003</td>
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Prison Management (DoPM); piloting the introduction of community service and open prisons as alternatives to imprisonment; providing paralegal services to prisoners; and improving co-ordination between the bodies involved in managing Nepal's prisons. Achieving these outputs will have many related benefits. These will principally be improved prisoners’ conditions, a reorientation of the prison system towards rehabilitating and preparing prisoners for re-entering society, and reducing the pressure on the prison department's scarce resources. The latter will happen, as the project will reduce the number of prisoners by: introducing community service orders, meaning that petty offenders will not be sentenced to imprisonment; setting up open prisons to hold long term low risk prisoners and thus reducing the numbers in closed prisons; providing paralegal services with the result that detainees' cases will be disposed of more quickly, and detainees found not guilty will be released sooner; and promoting prisoner rehabilitation, meaning that fewer prisoners will re-offend.

Parliamentary oversight bodies

According to the constitution, Nepal is a constitutional monarchy with a parliamentary form of government. Under the constitution, the democratically elected parliament consists of the House of Representatives (lower house) and the National Assembly (upper house). There have not been any parliamentary elections since 1999. A Maoist insurgency, punctuated by a cease-fire in 2001 and another in 2003, has been ongoing since 1996. A nation-wide state of emergency was in effect from November 2001 to August 2002 after Maoist insurgents broke a 4-month cease-fire with violent attacks. During that time, King Gyanendra, under the constitution's emergency provisions and on the advice of the Cabinet, suspended several constitutional rights, including freedom of expression, assembly, privacy, and property. A Cabinet is royally appointed to govern the country until elections could be held at an unspecified future time. [http://www.state.gov/r/pa/ei/bgn/5283.htm](http://www.state.gov/r/pa/ei/bgn/5283.htm)

The constitutional status of the Royal Nepalese Army (RNA) is ambiguous. Technically, it comes under the control of a National Defence Council consisting of the prime minister (as chairman), the defence minister and the commander in chief of the army. The constitution states, “His majesty shall operate and use the Royal Nepalese Army on the recommendation of the National Defence Council”, and it makes the king the “Supreme Commander” of the RNA with the power to appoint the commander in chief of the RNA “upon the recommendation of the prime minister”. This organisational scheme has often been problematic in practice. Most frequently, the post of defence minister has been kept by the prime minister. Therefore, the defence ministry doesn’t play much of a role over the RNA; it serves as more of a procurement agency”. The absence of parliamentary control of the RNA (and other security services) was one of the reasons given by the Maoists for refusing to talk to the government.

Legal framework

The introduction of the Terrorist and Disruptive Activities (Control and Punishment) Ordinance – 2061, which empowers security officials to detain a suspect for up to a year without trial. [http://www.ahrchk.net/pr/mainfile.php/2004mr/75/](http://www.ahrchk.net/pr/mainfile.php/2004mr/75/)

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## Pakistan

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<td><strong>Defence force</strong></td>
<td>Pervez Musharraf, the Chief of the Army Staff, overthrew the elected civilian government of Pakistan in 1999. Although the return to civilian rule was officially completed with the elections for the National Assembly in 2002, Musharraf – who remains chief of the army – extended his Presidency for another five years and maintained his right to dissolve the Parliament at any time. Furthermore, in April 2004 a National Security Council (NSC) was established, which consolidated and formalized the role of the military in Pakistani politics. The NSC is chaired by the President and includes five representatives of the defense force. In April 2004, the army high command announced that it was planning to reduce the size of the army by 50,000 soldiers. Defence analysts believe, however, that the changes are not so much part of a strategic restructuring, but rather an attempt to use the military budget more efficiently, for example by modernizing the weaponry. The United States provides the Pakistani with equipment and training to “neutralize anti-government elements in the border regions”. In 2002 Pakistan re-joined the United States’ International Military Education and Training (IMET) programme. IMET measures in Pakistan seek to promote military-to-military cooperation, increased professionalism and respect for human rights and civilian rule.</td>
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<td><strong>Defence ministry</strong></td>
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<td><strong>Police force</strong></td>
<td>According to human rights organizations, Pakistani police forces are generally considered “ineffective, abusive, and corrupt.” The police tends to use excessive force and there have been numerous reports of torture. Officials from the Human Rights Commission of Pakistan (HRCP) estimated 5,000 cases of police torture annually. In 2002 a comprehensive package of police reform measures was agreed upon. This so-called “Police Order” aims at organizing a modern police system, which – according to its preamble – is “independently controlled, politically neutral, non-authoritarian, people friendly and professionally efficient.” Among some important new institutions that the Police Order established “are the Criminal Justice Commission to review the functioning of the system at the district level and the National Police Management Board to develop common standards and advise the government.” However, the US State Department reports that in 2004 the Police Order was still not fully implemented: “While the central government has allocated funding for the envisioned reforms, the national, provincial, and local police oversight bodies were not operating in most locations, ostensibly due to disputes between provincial and federal officials as to the scope of their authority.” In response to complaints of custodial abuse of women, including rape, special women’s police stations with all female staff were established in 2004. However, critics claimed that the stations did not function effectively due to a lack of resources. The United States supports Pakistani law enforcement agencies with funds administered through its International Narcotics Control and Law Enforcement (INCLE) programme. In 2006 INCLE funds will “provide technical</td>
<td>US DOS 2005, AI 2005a, BBC 2004, US DOS 2005, CHRI 2005, US DOS 2005, US DOS 2005a</td>
</tr>
<tr>
<td>Non-state security actors</td>
<td>(No relevant information found)</td>
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<tr>
<td>Intelligence services</td>
<td>Pakistani intelligence services remain highly intransparent. A parliamentary inquiry to the government concerning the laws that the Inter-Services Intelligence Agency (ISI) was operating under was rejected on the grounds that such information was a “sensitive issue.”</td>
<td></td>
</tr>
<tr>
<td>Penal justice</td>
<td>Although the Constitution provides for an independent judiciary, it remains very much subject to executive influence and corruption. Case backlogs lead to long delays in trials, and lengthy pretrial detentions are common. In October 2004, the Anti-Terrorism Act (ATA) was amended “to provide life imprisonment for supporters of ‘terrorists’ and to allow police to seize the passports of ‘terrorist’ suspects. In April 2004, the Supreme Court ruled that those convicted of “terrorism” could not benefit from provisions under the law relating to murder, which allow the heirs of the victims to forgive the offender at any stage, thereby ending criminal proceedings.”</td>
<td></td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>Executive dominance, together with the strong formal and informal influence of the military, continues to seriously impede parliamentary oversight of the security sector. Although Pakistan is one of the very few Islamic countries to have established a Defence Committee in Parliament and, according to the Constitution, the Government is responsible to the National Assembly, in reality proper oversight is not exercised. In February 2005, the Pakistan Institute of Legislative Development and Transparency (PILDAT) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) launched an Urdu translation of a “Handbook on Parliamentary Oversight of the Security Sector”. The handbook aims to provide Pakistani Parliament and Parliamentarians with a “concise and accessible guide offering a comprehensive set of best practices and mechanisms“ on how to exercise the right of oversight of the security sector. UNDP conducted, in partnership with PILDAT, a Legislative Capacity Building Pilot Project from September 2002 until December 2003. The project was aimed at “identifying and planning short and longer-term strategic assistance to the newly elected legislators, legislative support staff and civil society organizations in the area of legislative capacity-building, with a special emphasis on women.” Also, between 2005 and 2007 USAID plans to develop and institutionalize a training curriculum for members of national and provincial parliaments. “Assistance will be provided to continue the parliamentary intern program, strengthen the parliamentary committee system, and modify parliamentary rules and procedures to improve public accountability and internal control structures; enhance capabilities of the provincial and national law enforcement academies; improve managerial and leadership expertise; and support continuing and expanding community policing and professional standards pilot projects. The implementation of the Automated Fingerprint Identification System and National Criminal Databases, funded in previous years, will be expanded.“</td>
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</tr>
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UNDP 2005

DAWN 2005

US DOS 2005

AI 2005

DCAF 2005

UNDP 2005

USAID 2005
access to legislative processes. Resource centers to help members of parliament research legislation will be established in national and provincial assemblies. Civil society organizations will be trained to increase their effectiveness in parliaments’ lawmaking and oversight processes. Pilot activities on civil-military relations will begin as part of the Mission’s overall strategy to mitigate conflict in Pakistan.”

Legal framework
(No relevant information found)

References

AI 2005

BBC 2004

CHRI 2005

DAWN 2005

DCAF 2005

UNDP 2005

USAID 2005

US DOS 2005

US DOS 2005a
### Philippines

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<tr>
<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>In 1989, it was decided to launch a 15-year modernisation program, which contained three 5-year planning phases and in 1995, the ‘Armed Forces Modernisation Act’ was accepted with the aim of restructuring the army and increasing its capability. However, the program did not create a significant change as according to a commission report in 2003, corruption, poor planning and inefficiency was ongoing in the army. The program then was renamed as ‘Capability Upgrade Plan’ to be applied between 2005 and 2010 for the purpose of equipment acquisition for internal security operations. The plan also calls for the reduction of the military personnel from 68,000 to 50,000 by 2010, and the enactment of a New Defence Act is also on the reform agenda but no concrete steps have taken in this direction. The US and Australia assisted in personnel training programmes.</td>
<td>ISS (2005), Armed Forces, Department of National Defence and Navy of Philippines</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>International Alert has been conducting several programmes for security sector reform since 2002 like exchange programmes for experts, researches to identify the problems in Philippines and Waging Peace Conferences as a means of supporting the Defence Modernisation Programme.</td>
<td>International Alert (2004)</td>
</tr>
<tr>
<td>Police force</td>
<td>On 1 May 2003, the “100 Days of Transformation” Project was launched by the Chief of National Police in order to change the negative perceptions about the police forces, with a survey to be conducted of the project by independent poll firm. The transformation programs have been ongoing and the latest one is the joint initiative by Supreme Court and the National Police for “Transforming the PNP into a more capable, effective and credible police force” with UNDP assistance launched in July 2005.</td>
<td>UNDP (2005), Philippines National Police, Philippine Daily Inquirer (2003)</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards</td>
<td>(No relevant information found) The Philippines has a 44,000-member paramilitary force. The paramilitary has three branches: the Philippine National Police (affiliated with the Department of Interior and Local Government), the Coast Guard (run by the navy but technically part of the Department of Transportation and Communications), and citizen armed militia.</td>
<td>Library of Congress (2005)</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found) The intelligence services were restructured with 1987 Constitution and some legal safeguards were introduced to prevent the abuses by these services. The National Intelligence and Security Authority was renamed as National Intelligence Co-ordinating Agency and the national security advisor of the president was responsible to oversee its activities.</td>
<td>AllRefer.com (1991)</td>
</tr>
<tr>
<td>Penal justice</td>
<td>Substantial reform has been going on since 2000, and this process has been assisted by international organisations and third countries. Some examples of reforms include a Citizens’ Feedback Mechanism Project assisted by Australia (2004-2005); a development of a management information system for</td>
<td>Supreme Court Program Management</td>
</tr>
<tr>
<td>Judiciary funded by Canadian government (2003-2004); Judicial Reform Initiative Support funded by World Bank and Canada (2003-2008); an EU-funded “justice for poor” project (2005-2008) and several training programs.</td>
<td>Office (2005)</td>
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<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>There is a high level of civilian control over the military establishment. The decisions for military expenditures are made by the Congress and through highly complex procedures, and often Congress is reluctant to increase the defence expenditure. The Department of Budget and Management prevents the army from entering multi-year contracts. The army needs annual Congress approval for any major arms acquisition. The Senate has had an influence over the objectives of the Armed Forces Modernisation Program.</td>
<td>Cruz de Castro, 2005.</td>
</tr>
<tr>
<td><strong>Legal framework</strong></td>
<td>The current US-style presidential system is seen as inefficient and the country is in the process of constitutional change since July 2005. The Congress is to turn itself into a constituent assembly and draft a new constitution by the end of 2005 to be followed by elections in May 2006.</td>
<td>The Star (5 August 2005),</td>
</tr>
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</table>

**References**


Armed Forces of Philippines www.army.mil.ph

Department of National Defence http://www.dnd.gov.ph


Philippine Daily Inquirer http://www.inq7.net/nat/2003/may/14/nat_9-1.htm


Supreme Court Program Management Office http://www.apjr-sc-phil.org/

The Star www.thestar.com.my
Sri Lanka

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>(No relevant information found)</td>
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<tr>
<td>Defence ministry</td>
<td>Until the change of government in 2002, the President was the Minister of Defence, with the Deputy Minister of Defence reporting directly to her.</td>
<td>SE 2003</td>
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<tr>
<td>Police force</td>
<td>(No relevant information found)</td>
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<tr>
<td>Paramilitary forces, including border guards</td>
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<tr>
<td>Intelligence services</td>
<td>During the People’s Alliance government of 1994-2001, the National Intelligence Bureau (NIB) was dismantled and two new intelligence organisations were created in first place: the Directorate of Foreign Intelligence (DFI) and the Directorate of Internal Intelligence (DII). Both are under the control of the MoD.</td>
<td>SE 2003</td>
</tr>
<tr>
<td>Penal justice</td>
<td>(No relevant information found)</td>
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<tr>
<td>Parliamentary oversight bodies</td>
<td>Sri Lanka is a republic with an active multiparty system. The popularly elected president, re-elected in 1999 to a second 6-year term, and the 225-member Parliament, elected during the year for a 6-year term, share constitutional power. The Ministry of Internal Security controls the 66,000-member police force, which is responsible for internal security in most areas of the country. The Ministry of Defence controls the 112,000-member Army, the 27,000-member Navy, and the 20,000-member Air Force. Home Guards, an armed militia of more than 20,000 members drawn from local communities and who are responsible to the police, provide security for Muslim and Sinhalese communities located near LTTE-controlled areas. The civilian authorities maintained effective control (presidential) of the security forces. All the important security-related policies and strategies of the government are discussed at the NSC, and after discussion the President takes the decisions which are passed on the armed forces and police to be implemented. The President is head of state, head of government, Commander-in-Chief and Chair of the NSC.</td>
<td>US DOS HRR 2004</td>
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<td>Legal framework</td>
<td>(No relevant information found)</td>
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References


US DOS HRR 2004 http://state.gov/
Thailand

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<tr>
<td>Defence force</td>
<td>A once powerful and major political force, the influence of the armed forces in Thai political affairs has decreased dramatically since their unpopular seizure of power in 1992. The Thai military has had to redefine itself and its role in protecting the country. During 1998-2000, the Democrat Party laid the foundations for some additional changes. In the 1990s, the democratic government formulated a new “National Security Policy for the Southern Border Provinces” based on a “development as security” approach, which was supposed to be implemented during 1999-2003. It also deepened co-operation between the Thai and Malaysian authorities to improve security along the border areas, which has contributed to the decline of insurgent movements as well. In 1998, the Thai Government appointed a new army Commander-in-Chief who was committed to a policy of restructuring the armed forces. The Prime Minister broke the convention of allowing a retired military figure serve as Defence Minister. General Surayud Chulanont made important reforms to create a professional, non-political defence force, although some institutions such as the Thai Military Bank largely escaped the reform process initially. As a result the number of volunteers for the army increased. In 2002, there was a controversial military shuffle, removing Surayud. As the result of the defence budget cuts, most artillery and naval crafts are bought from China and to some extent from the US. The task of re-equipping the armed forces has absorbed over 20% of the annual military budget in recent years, with modern tanks, artillery and frigates being the priority items. In May 2001, the army was given permission to spend Bt4bn (US$100 bn at the annual average exchange rate for that year) on ammunition and petrol to replace depleted reserves, but a policy of no new weapons procurement was announced. Budget expenditure on defence has dropped continuously in recent years. In fiscal year 2003/04 defence expenditure was about 7.3% of total budget expenditure, compared with 8.4% in 1999/2000. Responding to emergent crisis in security due to activities by rebel groups, the government in 2004 enforced martial law in several regions, and deployed about 12,000 Royal Thai Army troops. The Thai Military overall, has diminished their role in the country’s politics and even took a prominent role in peace-keeping operations in East Timor, and hence has won considerable international recognition and prestige. In summer 2003, the Thai government dispatched Thai troops to Iraq and considered the American proposal for allowing the use of Thai facilities such as Utapao Air Base to fight Islamic terrorism in Southeast Asia allegedly linked to Al-Qaida. In recent years, U.S. security assistance has consisted of military training programs carried out primarily in the United States. A small U.S. military advisory group in Thailand oversees the delivery of equipment to the Thai Armed Forces and the training of Thai military personnel in its use and maintenance. As part of their mutual defence co-operation over the last decade, Thailand and the United States have developed a vigorous joint military exercise program, which engages all the services of each nation and now averages 40 joint exercises per year.</td>
<td>Pathmanand</td>
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</table>
Defence ministry
While officially the three security services still report to the supreme commander, in practice the army chief still has influence over all services because of the numerical dominance of the army.

Police force
(No relevant information found)
Amnesty International has reported that security forces have used excessive force in suppressing demonstrations. Police forces have been constantly under threat from rebel groups.

Non-state security actors
There are many separatist and Islamic-based insurgent groups in Thailand. The latest outburst of violence started in 2001. While in the years 1993-2000, there were only a few incidents of separatist violence, accounting only for a handful of casualties, the Ministry of the Interior statistics show an increase of violence from 2001 on. In 2001 alone, 19 killed policemen and 50 insurgency-related incidents. In 2002, several police stations were attacked when the guerrillas seized huge amounts of arms and ammunitions and killed some 50 police and soldiers in 75 incidents throughout the year. In 2003, official sources counted 119 incidents. The latest outburst of violence began on January 2004 when about 30-armed men stormed the army depot in Narathiwat, stealing 300 weapons and killing four Thai soldiers.

Intelligence services
Although the in 2001 the government dismantled intelligence operations against separatist movements, in July 2002, Prime Minister Thaksin dramatically reversed his position and ordered the Army, Civilian Military Police (CPM 43) and the Ministry of Interior to re-establish their previously dismantled intelligence apparatus, control headquarters and Administrative Center for Southern Border Provinces.

Penal justice
(No relevant information found)

Parliamentary oversight bodies
With the new constitution of 1997, the cabinet must now approve all internal service budgets. However, a plan to make all three services come under the command of a civilian leader was scrapped after strong opposition from senior officers.

Legal framework
The democratisation process in Thailand has been as the foundation for SSR progress. The new Constitution of 1997 that led to political reform, administrative reform, has been connected in some ways to SSR. Issues such as civil liberties, human rights, public participation, good governance, monitoring the exercise of state power, new election system, independent organisations and decentralisation of authority, were some of the many issues discussed in the reform process. Article 40 of the 1997 Constitution, for example, placed electronic media frequencies (radio) in the public domain, thus undermining the military’s previous monopolistic control of the mass media, which was both an economic and political asset to the armed forces.

References
Amnesty International. “Thailand: Death of demonstrators must be fully investigated” 26 October 2004
http://web.amnesty.org/library/Index/ENGASA390142004?open&of=ENG-THA


Vietnam

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<tr>
<th>Sector</th>
<th>Comment</th>
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<td>Defence force</td>
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<tr>
<td>Defence ministry</td>
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<tr>
<td>Police force</td>
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<tr>
<td>Paramilitary forces, including border guards</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>(No relevant information found)</td>
<td></td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensured the primacy of Politburo guidelines and enabled the party to set the broad parameters of national policy. In recent years, the CPV gradually reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remained subject to CPV direction</td>
<td>US DOS HRR 2004</td>
</tr>
<tr>
<td>Legal framework</td>
<td>(No relevant information found)</td>
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References

US DOS HRR 2004  http://state.gov/
### Inventory of security sector reform (SSR) efforts

In developing and transition countries:

**Latin America**

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<td>Peru</td>
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## Brazil

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>Strategic governmental Programs to combat organised crime were elaborated, norms for organisation, funding, and military equipment for military and police were established. The president of the republic was established as the Supreme Commander of the Armed Forces. Training and education programs related to countering narcotics has been implement by the military and police forces, with the assistance of the United States Counter Narcotics Assistance (INC).</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>A Defence Ministry was created as an initiative of the President of the Republic, Cardoso in 1999. Before this period, each of the three compartments of the armed forces, navy, airforce and army had its own ministry.</td>
<td>MDD</td>
</tr>
<tr>
<td>Police force</td>
<td>In Sao Paulo, the police is said to be investigating the involvement of its own members in death squads. The high rate of policemen committing crimes is a serious problem throughout the country. There are no indications that the government takes proper measures to properly handle this situation. The number of people killed by police forces has increased immensely.</td>
<td>US DOS 2004 AI 2003</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>Numerous monitoring companies and private security companies are at work in the country. A database of security companies is being created. A treaty between Brazil and Colombia was signed, concerning the monitoring of the Amazonian region to stop drug trafficking.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>A special council for the sub system of intelligence and public security was formed by the National Secretary of Public Security.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Penal justice</td>
<td>In 2000, the National Plan of Public Security to stop and prevent crime was implemented. In 2002, after the winning the elections, Lula da Silva approved the continuation of the Public Security Plan. After the elections of 2002, reforms were initiated to make the judiciary system quicker, more flexible, and effective. Access to justice shall be granted to every citizen of the country. The reform will be implemented in four steps: 1. To make a diagnostic of the system 2. To modernise the administration of the judiciary system 3. Structure of changes in code of procedure 4. Structure in relation to the constitutional changes</td>
<td>OECD 2003 MDJ</td>
</tr>
<tr>
<td>Prison System</td>
<td>Brazilian prisons are characterised by as overcrowded, highly violent, and in generally unhygienic. In order to address the overcrowding of the Sao Paulo police jails, the State secretary for public security plans and continues to close all of the city's jails by 2005, transferring the inmates to the state penitentiary system. Demands by the Inter-American</td>
<td>US DOS 2004</td>
</tr>
</tbody>
</table>
Commission on Human Rights (IACHR) to better the conditions in the overcrowded Urso Branco prison have remained unanswered by the Brazilian government. Sao Paulo's FEBEM juvenile detention centres implemented regular medical evaluations for its inmates and gave unrestricted access for human right organisations.

<table>
<thead>
<tr>
<th>Parliamentary oversight bodies</th>
<th>The federal government implemented measures to fight death squads, and these actions have resulted in the several arrests of these members.</th>
<th>AI 2003,</th>
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<tbody>
<tr>
<td><strong>Legal framework</strong></td>
<td>In December 2004, a constitutional amendment came into force with a wide array of judicial reforms. It streamlines procedures in the Supreme Federal Court and in some lower courts, it strengthens human rights protections, introduces structural and professional court reforms, and creates oversight councils to hear complaints and issue sanctions against judges and public prosecutors at the state and federal levels. Brazil ratified the Mine-Ban-Treaty in 1999.</td>
<td>US DOS 2004, OECD 2003</td>
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**References**

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<tr>
<th>Sector</th>
<th>Comments</th>
<th>Sources</th>
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<tbody>
<tr>
<td>Defence force</td>
<td>Various efforts have been made, and continue to be made, to improve the effectiveness of the armed forces, particularly in the fight against drugs. The US government is supporting these efforts. Currently, American military assistance funds are provide for equipment and training to the Bolivian Armed Forces and to military police units, including for countering “crowd disturbances in urban settings”, security for drug eradication operations, as well as support their role as international peacekeeping operations. US International Military Education and Training (IMET) funds are provided for professional military education to key Bolivian military personnel, principally through attendance at U.S. military command and staff colleges, with a focus on civil-military relations, resource management, and democratic institution building.</td>
<td>US DOS 2005a</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The last major program was the introduction of a General System of Administrative Improvement (SIGMA) to improve efficiency in the ministry, in the early 2000s. A Planning Unit including civilian personnel was created. A White Book project was planned, after an international seminar held in April 2001, but was later shelved.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Police force</td>
<td>There have been several reform attempts, largely driven by interests to improve efficiency in anti-drug campaign, but also partially by human rights concerns, since the 1980s. The national police embarked on a plan to improve the efficiency of the forces in 2003, focusing on changes to personnel practices, training and improvements to police equipment. The program, like earlier police assistance (half a billion US $ between 1998 and 2003) is supported by the US government under its drug-war assistance program. However, in 2003 the US government began to offer also non-drug war assistance.</td>
<td>Mansilla, 2003 <a href="http://www.ciponline.org/colombia/030528upda.htm">http://www.ciponline.org/colombia/030528upda.htm</a></td>
</tr>
<tr>
<td>Paramilitary forces,</td>
<td>The US is funding the military, customs, and other organisations to support interdiction of drug trafficking. Recently, justification of funding has shifted to preventing cross-border movement of international terrorists.</td>
<td>US DOS 2005a</td>
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<td>including border guards</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>Widespread public discontent with the justice system has given rise to a number of reform measures, such as the creation of the position of ‘citizen judge’. Until now, these reform initiatives have been mainly legislative and have been driven by the other branches of government, the Executive and Congress. A new criminal court procedure was adopted in 2001. The World Bank supported legal reform in a major program (US $11 mn) between 1995 and 2000. US AID is supporting the implementing of the Criminal Court Procedure. The GTZ supports implementation of the Criminal Court Procedure and the office of the Ombudsman (defensor del pueblo).</td>
<td>WB 2005 US AID 2004</td>
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<tr>
<td>Parliamentary oversight</td>
<td>(No relevant information found)</td>
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</table>
### Legal framework

The government introduced reforms to the Constitution during the late 1990s that included an institutional restructuring of the Judiciary through the introduction of a specialised Constitutional Tribunal and a Judicial Council responsible for the sector's administration. In a notable co-operative effort, the Judiciary and the Executive, represented by the Ministry of Justice, agreed to embark on a far-reaching Judicial Reform Program to include institutional and administrative, as well as legislative measures.

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<th>bodies</th>
<th>WB 2005</th>
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<td>legislative measures.</td>
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### References

- OECD 2003 Francisco Rojas Aravena, Draft Survey of Security System Reform in Latin America and the Caribbean,
- US DOS 2005 US Department of State, Human Rights Export
## Chile

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<th>Sector</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Defence force</td>
<td>The Chilean armed forces have been in a major reform process since 2002. The objective is to build a modern armed forces. As one major step, the territorial organisation of the armed forces was substituted with an operational organisation. Further steps are the technological modernisation and the downsizing. In parallel, the military education system is being reformed. Major objectives are to create armed forces capable of modern warfare, able to participate in international peacekeeping. Chile is now, or has been, an important contributor of peacekeeping forces in Haiti, East Timor, Congo, Cyprus, Israel-Palestine, Bosnia, India-Pakistan, as well as NATO’s Stabilisation Force (SFOR) and Implementation Force (IFOR). The US government provides equipment to Chile’s armed forces participating in peacekeeping operations and provides training, particular on peacekeeping, under the US International Military Education and Training (IMET) funds support programs.</td>
<td>Chile 2005 US DOS 2005a</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>Until a constitutional reform in 2005 (see below), the President, while directly responsible for governing the Armed Forces, needed the consent from the National Security Council (COSENA). This Council, with a representation from all the armed forces, was entitled to bring to the attention of the President, the Congress or the Constitutional Court its opinion on any event, action or subject that it believes to be a serious threat to the foundations of the nation’s institutional system or which may compromise its national defence. Most importantly, the President could not remove service commanders on his own authority. The Minister of National Defence, charged with the planning and implementation of the activities of the armed forces, acts with the advice of the Board of the Commanders in Chief of the Services (JCCJ). It also gets advice from the National Defence General Staff (EMDN). A ‘Book on the National Defence of Chile’, published by the Ministry of Defence in 2002, said this about the General Staff: “The National Defence General Staff is the permanent advisory, working and co-ordination agency of the Minister of National Defence in all issues related to the preparation and use of the Armed Forces. This is a joint agency, comprised of representatives of the three services under the command of the Chief the National Defence General Staff. The EMDN also acts as the working and co-ordination agency of the Superior Council of National Security (CONSUSENA) and the Board of the Commanders in Chief of the Services (JCCJ).” These provisions enshrined in the 1980 Constitution, provided the commanders of the armed forces with considerable autonomy. The 2005 constitutional reform strengthened the role of the Minister of Defence. He is now, during peacetime, the commander-in-chief of the armed forces (see below), a strong role remains for the armed forces.</td>
<td>Chile 2002</td>
</tr>
</tbody>
</table>
### Forces in some areas, such as procurement.
A remaining Chilean specialty is the SUPERIOR COUNCIL OF NATIONAL DEFENSE (CONSUDENA). Its main duty is to control the investments and purchasing of weapons systems, and other systems, as well as major combat and combat support, crafts and vehicles, that are done by the services according to the Copper’s Reserved Law, and authorised by Executive Decree. It is chaired by the Minister of Defence and comprised of a number of ministers and the commanders of the armed forces.

| **Police force** | Although the police institutions are administratively under the Ministry of Defence, in operational matters they are under the Ministry of State. Reforms of the various branches of the police have occurred in the 1980s and 1990s. A major reform effort was again made between 2001 and 2005. An influential document to review the process was published by the Comisión Internacional para la Reforma Policial en Democracia under by the Programa Policía y Sociedad Democrática del Centro de Estudios para el Desarrollo (CED), Santiago de Chile. In addition to a strengthening of the democratic oversight of the police, it also recommends better and more modern equipment and training. | CEP, 2003 Frühling, 2005 |
| **Intelligence services** | National Intelligence Directorate (Dirección Nacional de Inteligencia--DINA), one of the main pillars of the post-1973 military government was replaced by the National Intelligence Agency - Agencia Nacional de Inteligencia (ANI) in July 2004. It had undergone various changes in earlier years, but was still strongly criticised particularly because of its interference in national politics through selective collection of information on left-wing parties and groups. The new law of October 2004 limits internal intelligence collections but remains contested. | http://www.puntofinal.cl/585/elojo.htm |
| **Penal justice** | Chile’s judiciary is independent and includes a court of appeal, a system of military courts, a constitutional tribunal, and the Supreme Court. Beginning in 2000, Chile launched an ambitious effort to remake its entire system of criminal justice. These reforms involve a new code of criminal procedure, new public institutions such as the National Prosecution Service and office of National Public Defender, as well as new people, new buildings, new views, and new practices. The government plans to complete in 2005 its multi-year overhaul of its criminal justice system. The reform has replaced inquisitorial proceedings with an adversarial system more similar to that of the United States. A report by the Vera Institute, which together with the National Prosecution Service or Ministerio Público, charted the changes, describes some of the important differences between the old system of justice, still functioning in Metropolitan Santiago by the end of 2004, and the new system of justice that has gradually taken roots in the rest of the country. The Vera Institute also provides monitoring of justice reform in Chile (http://www.vera.org/project/project1.asp?section_id=9&project_id=61). For a website with bibliographical information see: http://larc.sdsu.edu/humanrights/rr/Chile/JJR.html. A number of international donors, including GTZ, have supported legal reform in Chile. | Vera 2004 Ahrens, 2005 |
Beginning in 2001, the Constitutional Court had assigned some appellate and first instance judges the task of exclusively or preferentially investigating human rights cases, of which more than 350 were still open in mid-2005, when the Supreme Court decided to end this special procedure.

**Parliamentary oversight bodies**
The Congress reviews all bills related to national defence in general and to the Armed Forces in particular. However, many matters relevant to the armed forces are instituted by presidential decree. Its main power is in analysing and approving the defence sector budget, which includes the financial resources for defence. However, as explained above, it does not control the procurement financed under the ‘Restricted Copper Law’ which sets aside 10 per cent of the income of the state-owned CODELCO copper company for this purpose.

**Legal framework**
Various changes in the legal system have been part of defence and legal reform, as explained above. Of primary importance for the armed forces was one of the revisions of the 1980 constitution enacted in 2005 which removed inability of the President to remove the Commander in Chief of the Armed Forces, by stating that the military is bound by the laws made by the Congress (Art. 32). Among the about 50 revisions was also the end of the right of the armed forces to name members to one of the houses of congress, the Senate. (For the text of the constitution, see https://www.presidencia.cl/view/pop-up-nueva-constitucion-texto.asp)

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<tr>
<td>CED, 2003 Comisión Internacional para la Reforma Policial en Democracia' Programa Policía y Sociedad Democrática del Centro de Estudios para el Desarrollo (CED), Santiago de Chile, 2003.</td>
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<td>Chile 2005 <a href="http://www.ejercito.cl/proceso_modernizacion/">http://www.ejercito.cl/proceso_modernizacion/</a></td>
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<tr>
<td>Vera 2004 Antonio Marangunic and Todd Fogleseong, Charting Justice Reform in Chile: A Comparison of the Old and New Systems of</td>
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## Colombia

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| Defence force   | The defence forces will initiate a process of recovering state control, by ensuring a permanent presence in all parts of the country, combined with police forces and local “campesino” forces. These actions will be implemented in certain regions in which state control is under threat. In addition to the task of defending the sovereignty of the state itself, the defence forces will defend territorial integrity, human rights and the constitutional order. The armed forces are undergoing a process of professionalization which includes:  
  - More resources will be allocated to better the training and increase manpower  
  - Funding will be spent to improve personal quality and the state of readiness of equipment  
  - Intelligence gathering, processing and analysis will be improved that it is available, when needed  
  - Human rights training  
  - Materials and equipment will be used to its best effect.  
  Compulsory military service will be reformed. Everybody will have to serve under the same conditions, regardless of the origin or background of the soldiers. Border control tasks will be reinforced in order to prevent the export of drugs and the import of weapons. Colombia remains one of the main recipients of US-military aid. Money was contributed for counter terrorism and narcotic control. | DSADP 2003         |
| Defence ministry| As the core institution responsible for the armed and police forces, the Defence ministry will issue policy guidelines to ensure that the executive forces meet their democratic objectives. A major task is the supervision of the most effective use of resources. A supply system within the ministry has been built up to guarantee the best equipment for the lowest price available. The ministry will guarantee the implementation of the policy and co-ordinate the armed and police forces’ work with other parts of state institutions. Committees will be build up through which private actors can contribute their knowledge to the ministry. | AI 2004            |
| Police force    | Defence forces, police forces and other state institutions will co-operate closely to guarantee a higher level of security. The police are tasked to fight drug traffic, terrorism and common crime. Training of the police forces will improve in a more efficient, economic, transparent and legal way.  
  The priorities of the reform are:  
  - Extend police coverage to remote regions  
  - Increasing patrols in rural areas  
  - Building fortified police stations  
  - Strengthening of highway police  
  - To boost technical capabilities of the judicial police | DSADP 2003         |
| **Paramilitary forces, including border guards, Private security forces** | A prevention program will be implemented which includes the use of private security companies beside the armed forces and the police, in order to build a ‘warning’ network and to protect the populations and infrastructure. On the 15.07.2003 an agreement was signed by the government and paramilitary forces to demobilise the AUC by the end of 2005. There is a concern that former paramilitaries could join private security companies. Despite a cease-fire, paramilitary forces continue to kill and kidnap individuals. | DSADP 2003  
AI 2004 |
| **Intelligence services** | The Joint Intelligence Committee will co-ordinate the actions of all the state intelligence services. It will work on strategic intelligence analysis and provide the information which will serve governmental decision making. Furthermore, it will adopt governmental policy into intelligence requirements and co-ordinate an allocation of tasks in order to avoid duplicating work. There will be regional intelligence committees implemented to encourage horizontal exchange and to avoid time delay. Those committees meet periodically. Counterintelligence capabilities are a major topic of the restructuring of the intelligence. Equipment will be extended, technological improvements implemented. On the tactical level, there is a focus on dismantling structures that provide logistical support to illegal groups. | DSADP 2003 |
| **Penal justice** | In the Office of the Prosecutor General, an internal affairs unit was created to eliminate corruption. On August 31, a new Criminal Procedure Code was signed by the President. The new code changes the roles of judges, prosecutors, investigators, and defence attorney, as well as the presentation of evidence in an accusatory criminal justice. These reforms became effective by January 2005. The government is seeking to update the legal framework to fight terrorism and crimes against society. The government is trying to address:  
- impunity, which remains a huge problem in the country  
- early prison release for crimes that threatens state stability  
- crimes committed by minors or illegal weapon possession will be reviewed  
A new law will be implemented that increases the number of hearings and reduces the backlog of cases. The access to the judicial system will be facilitated. | US DOS 2004  
DSADP 2003 |
| **Prison System** | The poor conditions in almost all prisons will be upgraded. | DSADP 2003 |
| **Parliamentary oversight bodies** | (No relevant information found) |  |
| **Legal framework** | The government promotes a constitutional reform of the public prosecutors office and the introduction of an accusatory system that allows to improve its investigatory powers. | DSADP 2003 |
References


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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>The Costa Rican constitution from 1949 abolished the military forces. The state only has coast guards and domestic police forces.</td>
<td>US DOS BN</td>
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<tr>
<td>Defence ministry</td>
<td>The ministry of Public Security is responsible for national security and law enforcement.</td>
<td>US DOS 2004</td>
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<tr>
<td>Police force</td>
<td>There have been several police units disbanded from the Public Force, and they include Border Guards, Rural Guards and Civil Guards. In 2001, the civil police law was established with the aim to create a legal-support mechanism for the police. It is composed of police lawyers to consult the police about their cognisance. USAID provided technical assistance to the Police Reform Commission of the Chamber of Deputies in 2001. As a result six commission members modified three draft bills initiated by the executive branch; introduced novel concepts of recruitment and evaluation, merit-based promotions; institutionalisation of training; and prohibited special police tribunals except for disciplinary actions and community policing.</td>
<td>MDGPSP USAID</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>In 2000, the national coast guards were created for maritime vigilance.</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>The judicial system in Costa Rica is undergoing fundamental restructuring. Implemented in 1996, the Costa Rican hopes to create an accessible, effective, and comprehensive judicial system. The first stage of the four step program for judicial reform includes: 1. Improve the administration of the operations an public services of judiciary. This part started in 2000 2. Strengthening the administration 3. To improve the qualifications of the officers 4. Simplify access and use of jurists information The second stage intends to consolidate the first steps by strengthening institutions for crime prevention, public defence, public ministry, efficiency of judiciary in conflict resolution and better the administrative capacity of jurisdiction. A new code of civil procedure, also based on oral proceedings is under consideration. The supreme court has adopted a code of judicial ethics. Currently the supreme court works on the implementation of the 2000-2005 plan to improve the operation of the courts. The judicial-school is currently being updated and restructured. With the help of USAID a strategic plan was elaborated for the supreme court, this has been implemented. It calls for improvement of institutional reforms, personal training and information sharing with public. Furthermore, modern administrative policies and procedures were elaborated for the supreme court.</td>
<td>PJ 2003 USAID</td>
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Another project supported by the Inter American Development Bank aims at improving the administration of justice by making it more accessible, equitable, dependable and efficient. The specific objectives are to:
- Improve the institutional capacity for developing crime prevention policies and projects
- Ensure that the legal rights of the accused are protected
- Make prosecutorial activities more reliable and effective
- Reduce congestion in the judicial system
- Improve the administrative capacity of the judiciary

| Prison System | In general, the country’s prisons meet international standards. Although overcrowded prisons, violence among inmates, drug trade, poor sanitation and lack of medical attention remain problems. There are reports of inmates being abused by security guards. Conditions in the largest of Costa Rican prisons are so poor that the Public Defender presented the case at the supreme court calling for the constructing of new facilities. | US DOS 2004 |
| Parliamentary oversight bodies | (No relevant information found) |  |
| Legal framework | 2003 the constitutional court annulled a reform from 1969. From then, the president is allowed to run for re-election. Until the reform, every president had to intermit its presidency for at least eight years or two presidential terms. | US DOS BN |

References

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## Cuba

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<tr>
<td>Defence force</td>
<td>With the loss of Soviet-era subsidies in the early 1990s, Cuba's armed forces have shrunk considerably, in terms of both numbers and assets. Combined active duty troop strength for all three services is estimated at 50,000 to 55,000 personnel (compared to some 235,000 on active duty 10 years ago) and much of Cuba's weaponry appears to be in storage. Cuba's air force, once considered among the best equipped in Latin America, no longer merits that distinction, though it still possesses advanced aircraft and weapons systems; the navy has become primarily a coastal defence force with no blue water capability. The Cuban army is still one of the region's more formidable, but it also has been reduced and no longer has the considerable resources necessary to project power abroad. The country's two paramilitary organisations, the Territorial Militia Troops and the Youth Labour Army, have reduced training capability. Cuba also adopted a &quot;war of the people&quot; strategy that highlights the defensive nature of its capabilities. According to information from the US Department of State, the government continues to maintain a large state security apparatus under the Ministry of Interior to control dissents within Cuba, and in the last decade has formed special force units to confront popular unrest. With the deterioration of the Cuban economy in the 1990s, the Cuban military has become increasingly involved in running agricultural and other business enterprises, such as department stores and tourists resorts. As much as half of the armed forces is involved in agricultural activities, and there is said to be discontent among professional military officers who have been forced to work in the agricultural sector.</td>
<td>US DOS Global Security</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The Ministry of Interior is the principle entity of state security and control. Officers of the Revolutionary Armed Forces, led by Raul Castro, the President's brother, have been assigned to the majority of key positions in the Ministry of the Interior in the past several years. The Ministry of the Revolutionary Armed Forces (MINFAR) directs, executes and controls the preparation of the country for the defence; the national defence; the preparation and accomplishment of the armed warfare and the supplying with material military.</td>
<td>Global Security</td>
</tr>
<tr>
<td>Police force</td>
<td>(No relevant information found)</td>
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<tr>
<td>Non-state security actors</td>
<td>Several para-military groups continue to operate within the Cuban exile community. These groups conduct sporadic attacks on Cuba, in preparation for a concerted series of attacks that would help overthrow the Castro regime.</td>
<td>Global Security</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>According to the US Department of State, prison conditions on the island are alarming. Prisoners are offered little in terms of medical attention and are kept in harsh environments that contribute to the spread of illness and to the worsening of prisoners’ health. Political prisoners in Cuba must serve out their sentences under atrocious prison conditions.</td>
<td>US DOS</td>
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<tr>
<td>Parliamentary</td>
<td>(No relevant information found)</td>
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### Legal framework

The current legal system is representative of any other communist system. A recent study states that the role of the judiciary is to preserve communism and the Revolution, even if it is at the expense of individual human rights. Furthermore, today the Cuban prosecutor and the Cuban defense attorney work together toward the common goal of preserving the Revolution and not as adversaries, with one representing the might of the state and the other the rights of the individual.

Recently, the “Varela Project”, a constitutionally-based civic initiative that collected signatures on a petition calling for a referendum on democratic reforms and respect for basic freedoms occurred in 2003. Based on a previously unknown provision in the Cuban Constitution, Article 88, that allows for citizens to introduce legislative initiatives to be decided by national referendum when accompanied by the signatures of at least 10,000 registered voters, the Varela Project proposed five reforms. These reforms are democratic elections, free speech, free enterprise, free assembly, and freedom for political prisoners. However, it appears that so far this project has not been widely accepted in Cuba.

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## Dominican Republic

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<tr>
<td>Defence force</td>
<td>Starting in 2002, the government implemented a reform of the armed forces with the aim to modernise military institutions. The Minister of Defence was subordinated from the military branch to civilian control. A program to train the defence forces in human rights was elaborated and implemented in the past years.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
<td>US DOS 2004</td>
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<tr>
<td>Police force</td>
<td>The Police maintain internal security in conjunction with the military forces. Security forces are combined of:</td>
<td>US DOS 2004</td>
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<tr>
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<td>• National Department of Investigation (DNI)</td>
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<td></td>
<td>• National Drug Control Directorate (DNCD)</td>
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<td></td>
<td>• Airport Security Authority (CESA)</td>
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<td>• Port Security Authority (CESEP)</td>
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<td></td>
<td>• Armed Forces</td>
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<td>Police attempts to pressure confessions and violate human rights in general were reduced after the implementation of the new Criminal Procedure Code. The police received training in human rights. However, a new national Police chief was deployed, unlawful killings by members of the security forces continued. Even torture and mutilation by members of the security forces could not be stopped. The Police Reform Commission of the Chamber of Deputies in 2001 modified three draft bills initiated by the executive branch, introduced novel concepts as professional recruitment and evaluation, merit-based promotions, institutionalisation of training, prohibition on special police tribunals except for disciplinary actions and community policing.</td>
<td>USAID</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>Military and police co-operate at the Haitian border with the neighbouring forces to impede illegal immigration of Haitians.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>In September 2004, a new penal code came into force. From now on, it is illegal to arrest a person without a warrant issued by a judge. After the implementation of a new Criminal procedure code in September, detainees receive additional rights and protection. Additionally time limits for pre-trial detention were implemented. It also prohibits detention without a warrant unless the suspect was caught in the act. A training program for lawyers by the Nationals Office of Judicial Defence offered additional legal</td>
<td>AI 2004</td>
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<td>US DOS 2004</td>
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advice, paid by the Supreme Court. Additionally 100 part time defence lawyers were employed by the court, all over the country. In July 2004, these 100 lawyers were incorporated into the National Office of Judicial Defence.

The purpose of the new code is to:

- accelerate the processing of criminal cases, police has to read the suspected his rights while arresting
- the implementation a alternative dispute resolution mechanism to deal with certain crimes
- the requirement that judges issue public oral dispositions for bail and in cases in which the maximum penalty is less than three years of incarceration

With the help of USAID a strategic plan for the Supreme Court was elaborated and implemented. It calls for institutional improvement, personal training and information-sharing with the public.

| Prison System | Prison conditions remain unacceptable, and overcrowded cells are the norm. Recently a school was inaugurated that educates prison guards in human rights and non-violent restraint methods. | US DOS 2004 |
| Parliamentary oversight bodies | (No relevant information found) |  |
| Legal framework | A program was initialised to modernise the National Congress and the Office of the Comptroller General. | OECD 2003 |

**References**


Ecuador

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<tr>
<td>Defence force</td>
<td>As part of the reform project “vision 2010”, a modern military legal system is being built up. This also includes creating the office of a System of strategic planning and the strengthening of the armed forces capacity to work in co-ordination with one another. The Ecuadorian armed forces are trained in a Narcotic Control Program of the United States.</td>
<td>OECD 2003</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>The National Police are being trained in human rights by NGOs. Police courts continue operating outside the proper judicial framework.</td>
<td>US DOS 2004</td>
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<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>A law on Private Security Forces companies has been approved by the government. These firms will fall under the jurisdiction of the Joint Command of the Armed Forces.</td>
<td>OECD 2003</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>With support of the World Bank, reforms have been initiated to improve the capacity of the judicial system by strengthening its administration. The project aims at increasing efficiency, effectiveness and transparency in the judicial process, improving the infrastructure and access to justice by the public. This particularly targets women, and it involves the use of alternative dispute resolution mechanisms within the court system. Four components of the reforms include: 1. Case administration and information support 2. Court-annexed Alternative Dispute Resolution (ADR) mechanisms comprised of court-annexed pilot mediation programs and ADR training 3. Program for law and justice, including: • A special fund for law and justice • A program for modernisation of property registration • A professional development program • A study on the state of legal education • Research and evaluation of pilot programs • Legal services pilots 4. Infrastructure remodelling and development</td>
<td>World Bank</td>
</tr>
<tr>
<td><strong>Prison System</strong></td>
<td>Conditions in Ecuadorian prisons remain poor and continue to worsen. Overcrowding and assassinations within the prisons remain a problem. President Gutierrez promised to improve prison conditions.</td>
<td>US DOS 2004 AI 2004</td>
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<td><strong>Parliamentary oversight bodies</strong></td>
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<tr>
<td><strong>Legal framework</strong></td>
<td>On August 18 2004, the president signed a decree establishing a national committee to develop a national plan to fight the trafficking of persons. The penal code is to be reformed, and will target to criminalize the trafficking of people. A law on transparency and access to information about state institutions was passed. Most of the members of supreme court have been replaced for supporting the impeachment proceedings against president Gutierrez. The court stays until a constitutional amendment is proposed in the next year.</td>
<td>US DOS 2004 AI 2004 BBC 2004</td>
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**References**

El Salvador

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<tr>
<td>Defence force</td>
<td>Starting from the 1990s, the Military has undergone a remarkable reform process. The officers corps underwent external review and vetting, human right violators purged, their budget was reduced and new tools of accountability and overview were implemented. However, by 2002, the armed forces were the same size of the National Civilian Police. Its tasks focused on defence functions and the respect of human rights. The plan Arce 2005 envisions the modernisation of the armed forces, the fortification of civil-military relations, the development of the democracy and modernisation of the recruitment system.</td>
<td>JLAS 2003, OECD 2003</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>Action plans about defence, security and development were elaborated by the ministry of defence. The militaries have been increasingly tasked to domestic missions, and most officers have rejected any civilian oversight or input. The Defence Ministry remained an active-duty general in 2003.</td>
<td>OECD 2003, JLAS 2003</td>
</tr>
<tr>
<td>Police force</td>
<td>The national police passed through a process of political integration and civilisation under strong resistance of the armed forces and government. Former army officers and ex-members of the guerrilla FMLN were incorporated into the new police. The top command posts are almost all occupied by former military officers. The incorporation of the former enemies into the security forces turned out to be an important element to the country’s stability. Large-scale corruption remains a serious problem within the police forces. A presidential commission was set up to prosecute corruption and crimes in the security forces. Starting in 1998 until 2002 thousands of police officers and administrative personal were dismissed.</td>
<td>JLAS 2003, OECD 2003</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>As a result of the dramatically increasing crime in the late 1990s, private security firms became increasingly involved in the security sector. The members of private security companies increased rapidly but initially without appropriate oversight. The unequal access to individual security has become an issue of concern. Legislation to strengthen oversight and transparency began to be discussed in 2001.</td>
<td>JLAS 2003</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>A new law of intelligence is being created and currently operating.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Penal justice</td>
<td>Numerous prosecutors and administrative personal was dismissed after discovering that they have received their legal degrees improperly or had been involved in corruption. A project to improve the judicial efficiency supported by the World Bank is being implemented. It consists of four elements: 1. Strengthen Institutional Capacity of the Judiciary, it’s Oversight of Professionals and Knowledge Sharing capabilities.</td>
<td>JLAS 2003, World Bank</td>
</tr>
<tr>
<td><strong>Prison System</strong></td>
<td>As a reaction on overcrowded prisons, a maximum-security prison was inaugurated in 2003 particular for prisoners with violent or dangerous behaviour. Private firms took over the alimentary services of prisons and medical aid.</td>
<td>US DOS 2004</td>
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<tr>
<td><strong>Parliamentary oversight bodies</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td><strong>Legal framework</strong></td>
<td>The president of the National Judicial Council recently proposed that the judicial branch be reconfigured to address the disparity in workloads among the various courts in the country. A new program named National Security and Defence is being executed. A ministry of internal affairs is being created to combat delinquency and to develop citizen security, internal security and justice. A ministry of public security and justice has been operating since 2000. The two new ministries are</td>
<td>US DOS 2004 OECD 2003</td>
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This new ministry is responsible for the national civilian police, national academy of security and the general control of national civilian police and the technical unit of the justice sector.

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Guatemala

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<tr>
<td>Defence force</td>
<td>For 36 years, from 1960 until 1996 and the signing of the Accord for a Firm and Lasting Peace, Guatemala was the setting of one of the bloodiest of Latin America’s Cold War armed conflicts. During this period, a national security doctrine militarised the state. Since the signing of the peace, there have been substantial changes, but the military continues to a significant role in Guatemalan society. Constitutional Reforms which would have consolidated the separation of police and army functions, and would have greatly reformed the military, were defeated in a 1999 nation-wide referendum. Under Article 244, the army has the explicit constitutional responsibility for maintaining internal security, although under the control of the president. After 2000, under the Presidency of Portillo the army’s internal mission and budgets were both expanded. Although the Guatemalan armed forces’ budget was supposed to be reduced, official military spending ballooned to over US$198 million in 2001, a level not seen since the war. A sense of crisis in the area of public security that has emerged since the signing of the peace accords has resulted in the government deciding that the army should participate in internal security jointly with the Guatemalan Police. There are allegations of corruption and abuse by military leaders. According to Amnesty International, the upsurge in political violence and repression that characterised President Alfonso Portillo's administration (2000-2003) was the control exercised by former dictator General Efraín Ríos Montt. Human rights defenders, legal personnel, journalists and land activists defending the rights of indigenous communities were particularly targeted and threatened. Violent suppression of agrarian disputes involving government security forces remains a problem as well. Under the current Presidency of Oscar Berger, he has introduced substantial changes to the armed forces and has worked to safeguard human rights. The Guatemalan military has decreased in size from 27,000 to 15,000, and it is transforming its forces for co-operative peacekeeping missions. Guatemala’s militaries recently contributed a peacekeeping mission in Haiti. In 2005, the Bush administration released US$3.2 million in military assistance as a reward to Guatemala for its progress in overhauling the military. In 2006 Guatemala will receive US$900,000 to train and modernise the Guatemalan Armed Forces, more specifically to repair and modernise Guatemala's air force which hunts narcotic traffickers. SSR efforts, such as a multi-stakeholder dialogue processes with the Guatemalan military is being support by the UNDP BCPR Unit.</td>
<td>Ruhl AI 2005 SOAW UNDP BCPR</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>The failure of the constitutional amendments has prevented appointing a civilian minister; as a result he continues to be a military officer. President Berger has recently altered some of the laws governing the military and the chain of command.</td>
<td>SOAW</td>
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<tr>
<td>Police force</td>
<td>The peace accords established the creation of a new national civilian police (PNC). Very few professional standards or human rights education requirements were established for the new force. The Guatemalan PNC copied much of its organisation, structure, and disciplinary system from the Spanish Guardia. According to a 2000 report on the Guatemalan police, the police process remained “flawed” and in need of close monitoring and assistance. In 2002 in</td>
<td>Stanley WOLA(a)</td>
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response to wide criticism, the control of the PNC was removed from ex-military officers when a civilian was
appointed as Interior Minister. There is some civilian oversight of the police, such as the “Office of Professional
Responsibility”, but this institution has been characterised by its inability to fully investigate complaints from
the public. President Berger has made law enforcement and anti-corruption his top priority. The USAID Mission is
contributing to this priority by launching a new community crime-prevention plan designed to assist communities
and local police. At the national level, USAID will provide assistance to the government of Guatemala to build
capacity in local police forces and educate leadership in community policing, respect for human rights, and the
management of scarce resources.

Non-state security actors
The post-war period has been marked by the growth in the privatisation of violence in Guatemala. Private security
firms gave multiplied since the end of the conflict, with private security officers outnumbering the police 3 to 1. A
great deal of political violence and the mobilisation of former civil defence patrols marked the 2003 presidential
elections, where presidential candidate, former dictator Efrain Rios Montt was defeated. According a report
published by the Washington Office on Latin America in 2003, there are groups of clandestine structures made up of
powerful business interests, retired generals, ex-soldiers, and ex-PACs play an increasingly important role in
organised crime and actively work to destabilise the peace.

Intelligence services
The Directorate of Intelligence of the Military General Staff (D-2) has had a long history of human rights abuses and
interference in the criminal justice system. The peace agreement provided for the restructuring and creation of new
civilian intelligence agencies. However, the army continues to be the primary gatherer of information on internal
security matters. According to a MINIGUA report, military agents in some cases have continued to “carry out
parallel investigations without having any authority to do so, diverting official police investigations, and obstructing
judicial work.” In 2003, the *Estado Mayor Presidencial* (EMP), Presidential High Command, the military
intelligence structure involved in human rights abuses during the country's armed conflict and implicated in high-
profile human rights cases, was abolished, and replaced by a civilian agency.

Penal justice
Despite the fact that in 1992 Guatemala became the first country to enact comprehensive reforms to its Criminal
Procedures code, according to a 2000 report by the Washington Office on Latin America, the Guatemalan Justice
system was “almost non-functional.” It also states that the authoritarian legacy and a lack of confidence in both the
police and the courts are a reflection of the popularity of private and punitive solutions to crime, including a recent
wave of lynchings. According to a MINUGUA Report, 2002 was the most violent year of the country’s post-war
period. These figures were aggravated by the fact that it was that estimated that about 95% of all criminal cases that
occurred in 2003 were unresolved and unpunished. During Portillo’s Presidency the elements of human rights
guaranteed in the peace agreement were not implemented. US Aid has made efforts to support the modernisation of
Guatemala’s judicial system, including sponsored programs that offer dispute resolution services to citizens in
“Justice Centres.”

Parliamentary oversight bodies
The Guatemalan Parliament has done little to pass laws for military reforms, nor undertaken its supervisory
functions. Only a small number of civilian officials have worked in the Ministry of National Defence, and only a few
members of Congress have stayed long enough on the Defence Commission to develop an expertise in military affairs. Military finances remain secret and not subject to congressional supervision. The national security provision of Article 30 of the Guatemalan Constitution permits the armed forces to guard their budget as state secret. In 2001, President Portillo created a governmental accord on national defence policy that produced a civil-military structure for developing defence policy in consultation with civil society. This structure is led by a six-person Collegial Leadership Committee composed of two military officers and four civilians. Despite apparent increased civilian coordination, the military continues to develop its own plan and doctrines. Although a civilian commission was supposed to be established to control the intelligence organisms of Guatemala, no such institution has been created.

| Legal framework | The last provision of the 1996 Peace Accord in Guatemala, the “Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society”, publicly acknowledged the institutional weakness of the public security system and provided the blueprint for security sector reforms. The 1999 referendum, which was defeated, was the constitutional project to support the legal changes for these reforms. As a result, much of the legal and procedural changes to the security sector lie on the hands of the incumbent government. |

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Ruhl

Sequen-Monchez

SOAW

Stanley

UNDP BCPR

USAID

WOLA(a)

WOLA(b)
## Haiti

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<tr>
<td>Defence force</td>
<td>Despite previous UN-sanctioned military intervention, and large-scale donor assistance in several SSR related activities, Haiti continues to be a fragile state and is again facing widespread violence. Haiti is trapped in a state of chronic political instability and faces a combination of societal and state collapse from the centre and accruing armed influence at the periphery. A recent study has found that Haitian society is over-armed and heavily militarised. The former military continues to have a presence throughout the country. Although the Haitian national army was officially dissolved in 1994 and its soldiers ‘dismobilised' between 1994 and 1996, it nevertheless is perceived by its membership to have constitutional legitimacy and continues to be involved in widespread and systematic violations of human rights. There have been efforts made to establish committees to address former military grievances, as well as to reintegrate soldiers into civilian life. In the absence of job opportunities, in 2001 former Haitian Armed Forces (FAHDH) began to mobilise around the border of the Dominican Republic. Over the following years, despite the presence of an US-led Multinational Interim Force (MIF), these groups have launched operations that have resulted in civilian murders and harassment of the police. By 2004, violence became widespread as these rebel groups, often associated with criminal gangs, took control of certain part of Northern and Central Haiti.</td>
<td>DFAE Mendelson-Forman</td>
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<td>Defence ministry</td>
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<tr>
<td>Police force</td>
<td>The 7,000-man Haitian Armed Forces (Forces Armées d’Haïti, FAd’H), which included the country’s militarised police force (Police Militaire) were disbanded following the UN-sanctioned multinational intervention to restore the elected government of President Jean-Bertrand Aristide in September 1994. Security functions were first assumed by UN peacekeeping forces, then transferred to the new Haitian National Police (HNP, Police Nationale d’Haïti), formed with assistance from the UN in 1995. The police operate under the Ministry of Justice, placing it under civilian control. The Commander in Chief of the Police Forces (Commandant en Chef des Forces de Police) is appointed by the President of the Republic with the concurrence of the Senate. By 1997, the HNP had grown to about 6,000 officers, with help from the United States and Canada. At its height in 2003, the HNP counted some 6,300 active personnel among its ranks, distributed amongst 189 commissariats and sous-commissariats around the country. There are reports of serious violations of human rights, as well as lack of formal police training for many of the different units that have been established. Furthermore, the US Department of State reported in 2003 that authorities did not maintain effective control of the security forces. Although it has always been widely admonished for corruption, the recent deterioration of the HNP has nonetheless been dramatic and profound and in late 2004 the number of police personnel stood at fewer than 5,000. In March 2004, more than 350 additional police officers were dismissed from the HNP but not disarmed, including 150 members of the palace Guard. Day-to-day activities of the HNP— including border and frontier controls – are virtually non-functional, due to the absence of adequate materials.</td>
<td>DFAE WP</td>
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**DFAE**

**WP**

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**Sources:**

DFAE: Department of Foreign Affairs and External Trade of Canada

WP: World Policy Institute
Non-state security actors

The violence that in 2004 ousted President Aristide, stemmed from gangs were comprised of many former soldiers who successfully terrorised citizens and surpassed police capacities. There are several types of armed groups in Haiti. Many of these groups were present in the early 1990s following the election of President Aristide. Others consolidated their power bases in the intervening years of the Cédras regime. They include, *inter alia*, the ex-FADH; the *Police Militaire* and their attachés or civilian auxiliaries; the notorious rural police chiefs, or *chefs de sections*; and, from 1993, paramilitary organisations such as FRAPH. Many civilians have the legal right to possess firearms. However, the majority of weapons are in the hands of armed groups that appear to have obtained large quantities of weapons from leaked ‘official’ stockpiles and inventories. The proliferation of small arms continues to be an enormous challenge to reforming Haiti’s security sector. Multinational forces are reported to be actively disarming Haitian rebels on an ad hoc basis, as opportunities arise.

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Penal justice

Despite a long-established juridical tradition spanning over two hundred years, the country’s legal and administrative systems are disproportionately reliant on the executive and riddled with incompetence. Transparency International ranked Haiti fourth from worst out of 133 countries in its Corruption Perceptions Index-2003. Though many efforts have been directed at overcoming corruption and restoring public confidence in the legal process, such as with the introduction by the French government of a Magistrate’s Schools and support for the training of judicial officials, the judicial sector continues to be chronically under-funded, has poor human resources, and lacks basic equipment. The outbreak of armed violence in 2004 exacerbated the situation: at least eight courthouses were destroyed and few judges report for work. There is no information on the activities or whereabouts of the 600 judges who comprised the Haitian judicial system.

The state of the prisons and correctional system is worrisome. Of particular concern is their legacy in providing recruits for armed violence. Correctional facilities have earned a reputation for their ineffectiveness over the years. Despite UN and OAS training and education of correctional officials and the rehabilitation of prison facilities since the mid-1990s, conditions were described as ‘over-crowded’ in various ICRC, OAS and Amnesty International reports. The International Committee of the Red Cross found that 18 percent of prisoners in the National Penitentiary were suffering from malnutrition. There is a multitude of bilateral and multilateral members aiding Haiti in the Justice sector, including the UNDP BCPR who is assisting in the “professionalization of prison administration and reform.”

Parliamentary oversight bodies

The prevalence of military or authoritarian governments has been a factor in creating barely functioning political institutions and limited accountability of government. According to a recent report “the absence of political closure or power sharing has further compromised attempts to reform the state security sector [in Haiti].” There has been international assistance, from the US to the Organisation of American States in order to strengthen democracy and increase political party professionalism. There are public diplomacy programs for example, which bring Haitian government officials to the U.S. to learn about U.S. public policies and programs.
Legal framework

Since civilians are allowed to possess firearms, an effort to clarify the types of weapons permitted to civilians and private security companies was initiated in 1988 and 1989. Presidential Decree 41-A (1 June 1989) modifies Presidential Decree 4 (14 January 1988) with respect to the calibre permitted to civilians under the Constitution. Articles 7 and 8 of the 1994 Presidential Decree emphasise the role of the police in controlling weapons throughout the national territory, as well as the activities of private security actors. However, the control and registration of weapons is regulated by the Central Department for Administrative Police (DCPA), though it has not been operational since 2002.

The UNDP BCPR currently has an ongoing program in Haiti aiding in the “drafting and dissemination of legislation” related to SSR and Justice reforms.

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CDI

DFAE

Mendelson-Forman

UNDP BCPR
UNDP BCPR. “Current JSSR Programs by Type of Justice and Security Sector Actor.” http://www.undp.org/bcpr/jssr/3_projects/

US DOS

WP
## Honduras

### Defence force

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<tr>
<td>Defence force</td>
<td>In 2002 a project for the modernisation of the armed forces was approved and implemented. The aim was to strengthen the democratic system. Three seminars orientated towards military education, institutional communication and budgeting for the armed forces, were important aspects in attempting to obtain this reform goal.</td>
<td>OECD 2003</td>
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### Defence ministry

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<td>Defence ministry</td>
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### Police force

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<tr>
<td>Police force</td>
<td>Police forces are overseen by the Ministry of Public Security. Police and defence forces still jointly patrol the streets. An increasing number of members of the armed forces participate in such activities. Former security forces officials are accused of organising death squads that have committed numerous extra-judicial killings in the past. Security forces were repeatedly accused of committing serious human right abuses against detainees and other persons. Several police officers were dismissed in the last years after investigations because of crimes and corruption against them. Only in 1999, the national and investigative police was transferred from the military to the Ministry of Security and Justice.</td>
<td>USAID</td>
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### Paramilitary forces, including border guards, Private security forces

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<td>Paramilitary forces, including border guards, Private security forces</td>
<td>Neighbourhood Watch Groups called Citizens Security Councils were authorised by the Ministry of Public Security. These councils as well as Private security companies, which are formed of former armed forces members or at least have relations to the security forces are accused of participating in death squats against youth gangs.</td>
<td>US DOS 2004</td>
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### Intelligence services

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<td>Intelligence services</td>
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### Penal justice

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<tr>
<td>Penal justice</td>
<td>A new criminal procedure code provides more rights to defendants, reducing their likelihood of being detained and being held for a prolonged period of time. In 2002, the courts were re-organised to divide case management into two systems, either the old, written administrative court procedures, or the new, oral accusatorial method. A project supported by the Inter American Development Bank aims to strengthen the rule of law by consolidating and continuing institutional reforms in the justice system. The objectives of the reform are: • Institutionalisation of a continuous and participative process of legal reform • Improvements in the transparency, impartiality, accessibility and speed of the administration of justice • Greater professionalism, use of due process and respect for citizen rights during criminal investigations</td>
<td>IADB 2003</td>
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• Establishment of functional relations among the institutions in the justice system, better communications and greater transparency in relations between judicial institutions and the citizenry. An anti-gang-law was implemented (law against illicit association), allowing the police to make arrests on suspected gang members. Detainees can face a sentence of nine to twelve years only for having tattoos that identifies them as gang members.

**Prison System**
Attempts were made to separate members of different gangs by holding them in different facilities to reduce violence in prisons. Prison Police is being trained in human rights.

**Parliamentary oversight bodies**
The Ministry of Public Security oversees all police missions. According to the Ministry spokesman, from 2000 to August 2004, 186 policemen were prosecuted and 1344 have been suspended for different crimes. In 1998, the national council of internal security was created. It oversees for example state institutions and agents of private companies.

**Legal framework**
Congressional votes were held in 2003 to amend the constitution and revoke the immunity laws granted to the executive, legislative, and judicial employees. As a consequences of this reform, several trials were initiated against government employees. “In 2003, Congress passed a decree stating that the Supreme Court ruling concerning proposed amendments to the Constitution that would have given Congress unfettered power to interpret the constitutionality of laws that it passes were unconstitutional could not be published”. In order to strengthen the rule of law and enhance Honduras’ democratic system, the government has issued the following constitutional amendments:

- Lengthen the term of Supreme Court magistrates from four to seven years
- Increase the number of magistrates
- Base appointments on nominations from interested professional, governmental and CSOs
- Increase the judicial budget
- Separate the schedule for Supreme Court appointments from the highly politicised post-election period and subsequent government turnover

### References


CSM 2004    Bail, Raphaele, Marked men with no place to hide, 18.08.2004, Christian Science Monitor

### Mexico

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<tr>
<td>Defence force</td>
<td>Mexico’s armed forces number at about 225,000. The army makes up about three-fourths of that total. The navy is a completely autonomous cabinet agency and as such, there is no joint chief of staff position. Principal military roles include national defence, narcotics control, and civic action assignments such as road building, search and rescue, and disaster relief. In the last decade, Mexico has given military personnel an increasing role in counter-drug and law enforcement efforts. U.S. military assistance has helped make this possible, by providing the Mexican military with training and equipment. When these activities began, authorities claimed it was a temporary solution to the problems of police and prosecutorial corruption and ineptitude. More than a decade later, however, the military is entrenched in this role. As a result of the new government in 2000, the Mexican Senate reformed the military promotion process. President Fox is also reported to have altered the role of the armed forces in the decision-making process, specifically in policy arenas related to security. In 2003, 202 members of the armed forces were assigned to the office of the Attorney General, further establishing a positive relationship in what has traditionally been an antagonistic relationship in the past. The Mexican armed forces have continuously committed human rights abuses. This has greatly increased since their increased presence in anti-drug trafficking missions. In 1999, after wide domestic and international criticism, the army began to give human rights serious attention. According to the Secretariat of National Defence, thousands of officers have attended courses and conferences on human rights. Although it violated the Mexican constitution, since 1996 to 2001 Mexico has sent troops abroad for 10 different humanitarian missions.</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
<td>US DOS</td>
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<tr>
<td>Police force</td>
<td>Police forces throughout Mexico are in crisis, marked by corruption, committing serious human rights abuses with impunity, and without the skills to prevent and solve crimes effectively. In November 2002, former New York Mayor Rudolph Giuliani was hired to come up with a crime prevention plan for Mexico City. These developments have worried certain NGOs that this model might lead to further human rights abuses. Other developments that have occurred recently has been the creation a new cabinet level agency of Public Security and Justice Services. Fox’s administration also expended the Federal Preventative Police in 2001-2002.</td>
<td>WOLA, CSIS</td>
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<tr>
<td>Non-state security actors</td>
<td>Since 1994, there has been a rise of guerrilla movements, more specifically the Zapatistas in Chiapas. Compared to previous times, Fox’s government has taken a posture based on dialogue and poverty alleviation as a means of eliminating these insurgents.</td>
<td>CSIS</td>
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<td>Intelligence services</td>
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<tr>
<td>Penal justice</td>
<td>At the Mexican Government's request, USAID has worked since October 2002 to help develop this justice reform package. As the principal international donor and key advisor supporting criminal justice reform, USAID has provided technical assistance and advised in important areas, especially on the drafting of the new criminal procedural code. President Fox presented the comprehensive legislative reform package on March 29, 2004, to transform the Mexican criminal justice system. The proposal calls for the transformation of criminal procedures from a written, inquisitorial system to an oral, adversarial one. It also calls for the restructuring of the police and prosecutors offices.</td>
<td>US AID</td>
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<tr>
<td>Parliamentary oversight bodies</td>
<td>The level of electoral competition and representation in the Chamber of Deputies since 1997 and the change in power in the executive branch in 2000 has brought new processes to running Mexico. Traditionally, the executive branch had a very close relationship to the military, although Congress is responsible for overseeing what goes on with the armed forces. There have been public criticisms from parties such as the PRD, suggestion reforms to the armed forces. Furthermore, in 2000, representatives of the newly elected congress ended the privilege of the armed forces secretaries in avoiding direct appearances in congress. Budget discussions with congress have become more detailed and open, reflecting closer contact between the military, and senators and deputies.</td>
<td>CSIS</td>
</tr>
<tr>
<td>Legal framework</td>
<td>In Mexico, judicial reform became a major issue for President Ernesto Zedillo, who introduced sweeping changes at the outset of his administration (1994-2000). Constitutional and legal changes have been adopted in recent years to improve the performance and accountability of the Supreme Court and the Office of the Attorney General and the administration of federal courts. Still, the urgency of deeper and more substantial reforms was made clear in April 2002 by a strong critique from the United Nations on persistent problems in the Mexican judiciary.</td>
<td>US DOS IIJ</td>
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WOLA
## Nicaragua

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<tr>
<td>Defence force</td>
<td>Since 1994, the Nicaraguan Defence Forces find themselves undergoing a process of professionalization under a new Military Code, created at that time. In 2002 the armed forces announced a special plan of defence and security with the aim to prevent violent acts of the Constitutional Freedom political party (PLC). Joint field training engineer and medical humanitarian aid exercises are being conducted with the US Military in 2005. US military aid (of about US$2.3 million) was suspended in 2002, because of numerous portable missiles (SAM 7), remaining in the country, that the US-Government sees as a threat to their own security.</td>
<td>OECD 2003 GS-NNS HACER</td>
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<tr>
<td>Defence ministry</td>
<td>The Ministry of Defence has been developing since 1997.</td>
<td>OECD 2003</td>
</tr>
<tr>
<td>Police force</td>
<td>The NNP is a single unified force, responsible for law enforcement, and continues to supplant its forces with voluntary police, that have been involved in several human rights violations.</td>
<td>US DOS 2004</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards, Private security forces</td>
<td>Private security agency to protect society was created as an alternative to the Public Forces. The creation is motivated by the high level of corruption and mistrust of the people.</td>
<td>OECD 2003</td>
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<tr>
<td>Intelligence services</td>
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| Penal justice                   | With help from the Inter-American Development Bank, a program was initiated to increase access to and improve the quality of justice services. Additionally the process of judicial reform, modernisation and strengthening was supported. The project aims are:  
  - To expand judicial access in order to meet the needs of vulnerable groups in Managua and the country’s interior  
  - To improve the organisation and operation of judicial offices, strengthening and streamlining the administrative functions of the judiciary  
  - To increase confidence in and improve the quality of services by creating and consolidating courses of study in the judiciary and the civil service and creating communications mechanisms | IADB     |
Judicial inactivity causes delays in justice provision and corruption is still one of the major problems in the country. The Supreme Courts campaign to reduce corruption, initiated in 1997, continues. Already 168 Judges, accused of corruption, have been removed. An accusatory, more transparent system of justice, working with prosecutors, plans to replace the former inquisitorial system. This was established as part of the Criminal Procedures Code from 2002. While originally this system was used for only the most serious offences, it is now being used for the majority of cases. As it provides greater transparency and access to accused people, it reduces the backlog of cases and reduces the time for a verdict.

### Prison System
The conditions in Nicaraguan Prisons remain poor. Guards received training in human rights, funded by international donors.

### Parliamentary oversight bodies
Institutional transparency will be increased by the development of a modern procurement system, consistent with the law. An autonomous Comptroller General Office is planned to be created in order to facilitate governmental transparency. The assembly is considering drafting a law to provide access to virtually all public documents.

### Legal framework
In 2000, a Ministry was created which is responsible for the promotion of justice and transparency. “In 1998 judicial career was created and in 2001 new procedures and oral judgement were approved”. Since 2000 property tribunals were opened and in 2002 the Supreme Court consolidated these tribunals into a single tribunal. A new legislative base will be formed that fits the new judicial system. The legislation to define the powers and responsibilities of public prosecutors was already enacted.

### References
- **GS-NNS**

- **HACER**
  Nicaragua and the US: Missile Crisis, [http://www.hacer.org/current/Nica05.php](http://www.hacer.org/current/Nica05.php)

- **US DOS 2004**

IADB  Inter American Development Bank, Program to strengthen the judiciary and improve access to justice, 2001, http://www.iadb.org/exr/doc98/apr/ni1074e.pdf

## Paraguay

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<tr>
<td>Defence force</td>
<td>Paraguay experienced one of Latin America’s longest dictatorships, under Alfredo Stroessner, who ruled for 35 years until 1989. Paraguay remains politically and economically unstable, and the government of President Luis Gonzalez Macchi in 2002, blamed violent, widespread protests on Lino Oviedo, a former army chief. Oviedo has been accused of planning the assassination of the Paraguay Vice-President in 1999, and it is widely believed that he has taken part in at least two-failed coup attempts. As a result of the failed coup, many officers were allegedly detained and tortured. The 1992 constitution, which established a democratic system of government and dramatically improved protection of fundamental rights, also designated the president as commander-in-chief of the armed forces. However, these steps have not resulted in the complete withdrawal of the military from direct involvement in government and politics, the army remains an influential force. Of the three defence forces, the army has the majority of personnel, resources, and influence. With about 7,000 personnel, it is organised into three corps, with six infantry divisions and three cavalry divisions. The military has two primary functions: national defence (including internal order) and engaging in civic action programs as directed by the president. The navy consists of approximately 2,000 personnel and in addition to its fleet, has an aviation section, a prefecture (river police), and a contingent of marines (naval infantry). The air force, the newest and smallest of the services, has approximately 1,200 personnel. Torture and ill treatment by members of the security forces continues to be reported. In 2004, Amnesty International noted the ill treatment and abuse of conscripts. Furthermore, little progress has been made in investigating the deaths of more than 100 conscripts who have died since 1989. Of particular concern have been the reports of children recruited into the Paraguayan armed forces and national police. In 2001, the president of the Senate Human Rights Commission announced that the Commission would visit military barracks in the Chaco department to investigate the presence of child soldiers and the conditions in which conscripts carried out their military service.</td>
<td>Chicago Tribune AI 2005 US DOS 2004 AI 2005</td>
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</table>
Although the National Police has responsibility for maintaining internal security and public order, on several occasions during 2004, especially in response to unrest and land invasions in the countryside, the Government called on the military to assist the police in maintaining public order.

As a result of the continued reports on the conscription and maltreatment of child soldiers, the Minister of Defence stated that action would be taken against those who falsified documents in order to recruit children under 18 years of age.

In 2002, Manuel María Páez Monge was appointed as the Human Rights Ombudsman, a post that had been vacant since its establishment nine years earlier. The military however, continues to have its own judicial system.

In 2003, the Government of the Republic of Paraguay carried out the destruction of 15 tonnes of ammunition and explosives that had been stockpiled in the government’s War Material Directorate. The destruction was carried out with the support of numerous organisations, and with the co-operation of a number of government departments – including the Ministries of Foreign Affairs, Defence and Education.

In July 2005, the Ministry of Defence and the Ministry of External Relations published a briefing clarifying the alleged rumours that Paraguay had authorised the United States to establish a military base in Paraguay. However, the Paraguayan Armed Forces from June 2005 until December 2006, will participate in joint activities with American Military Forces.

The Military Expenditure in Paraguay in 2003 was reported to be 0.9% of the GDP.
### Police force

The main police agency is the National Police, which is under the authority of the Minister of Interior. The police are inadequately funded, poorly trained, and generally corrupt. There have been frequent reports of police using excessive force against criminal suspects; demonstrators, including minors; and in the context of land disputes. Authorities frequently have failed to initiate criminal investigations into killings in the context of social disputes. The Paraguay Human Rights Co-ordinating Board (CODEHUPY), a group of 32 NGOs, civic organisations, and trade unions, reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees. The Attorney General’s office and the NGO Committee of Churches compiled numerous examples of police abuse. Amnesty reports that police forces have used force to expel peasants from their land and there are even some cases where this was accompanied by sexual violence against women perpetrated by police officers. According to the U.S. Department of State there are reports that police officers killed persons while acting outside the scope of their duties and of deaths in custody.

The unruly, tri-border region between Argentina, Brazil and Paraguay is a hotbed of illicit activities that range from money laundering, trafficking of arms, to terrorism, and poses a major national security concern. In the context of the September 11th attacks, 17 people were arbitrarily detained by Paraguayan Security Forces solely on the basis of their Arab ethnic origin. In 2002 Paraguayan authorities conducted raids on financial terror cells operating in Paraguay. There have been uncorroborated reports of an al-Qaida presence in 2002 and links to fundraising efforts for Hezbollah and Hamas.

In 2004, the National Police Chief announced the dismissal of 60 police officers for acts of corruption, citing the dismissals as an example of a zero tolerance policy with regard to police corruption. In this same year, the overall crime rate fell, and police made arrests in a number of high-profile cases, such as kidnappings. A new 911 system for reporting emergencies to police generated positive results. The UNDP’s Justice and Security Sector Reform (JSSR) Programme is also working to strengthen public security by currently conducting a program to Strengthen the local capacities of municipal governments to reduce crime.

### Non-state security actors

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<th>Intelligence services</th>
<th>(No relevant information found)</th>
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| Penal justice         | According to Amnesty International, there have been reports of minors beaten by prison guards in front of other detainees in juvenile detention centres. Prisons are often overcrowded and violent, and corruption among prison guards remains a problem. Other problems in the penal system include arbitrary arrests and detention, lengthy pre-trial detention, corruption and inefficiency in the judiciary, and infringements on citizens' privacy rights. The average time from arrest to trial in 2004 was approximately 240 days. In 2002 the Inter-American Commission on Human Rights published its third periodic report on Paraguay. The report indicated that until the present period, human rights violations previously committed had not been investigated, nor had perpetrators been punished or had the victims been compensated. The Paraguayan government stated that a National Plan for the Protection and Promotion of Human Rights had been devised and would include the creation of a Truth and Justice Commission. The Truth and Justice Commission, was finally created in 2003 to examine human rights violations committed between 1954 and 2004. However, there are doubts about its ability to function after the parliament more than halved the requested budget. | AI 2005  
US DOS 2005 |
| Parliamentary oversight bodies | In 2004, the Paraguayan parliament began considering a constitutional amendment to make military service voluntary rather than obligatory. Generally, in 2004 civilian authorities maintained effective control of the security forces. | AI 2005  
US DOS 2005 |
| Legal framework | Military service is compulsory, and all 18-year-old males and 17 year olds in the year of their 18th birthday are eligible to serve for one year on active duty. However, the 1992 constitution allows for conscientious objection and as previously mentioned the parliament is considering reforming this law. Another reform that is being considered and proposed by some political sectors – due to the present increase in crime, including a wave of kidnappings – is to reintroduce the death penalty, even though in Paraguay the death penalty was banned in the 1992 Constitution. In 2004, current President Nicanor Duarte took significant steps to reform the Supreme Court and made changes to his cabinet following a corruption scandal. The UNDP’s Justice and Security Sector Reform (JSSR) Programme has also been working to reform the justice sector by also running a program in Paraguay to facilitate the access to justice, legal aid and counsel for the poor. Paraguay has stepped up efforts to combat terrorism, particularly by the threat emanating from the tri-border region. There is concern that legislation designed to facilitate the arrest and prosecution of terrorists could be abused. Paraguay’s history of corrupt, authoritarian regimes precipitates a fear that the current administration could use anti-terrorism legislation to target the political opposition. | AI 2005  
BBC  
UNDP  
BCPR  
Paraguayan Country Review 2005 |

**References**

AI 2001  

AI 2002  


### Peru

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>A major reform initiative begun in 2001 and is to last until 2010 (see below under defence ministry). The armed forces have been downsized and reorganised. Some examples of major international support include: Examples of major international support: US International Military Education and Training (IMET) funds support programs to improve military professionalism and capabilities by providing military and civilian defence professional training, which reinforces the critical principle of civilian rule. USAID has supported various kinds of civil-military interactions and training of civilians on military-related issues. In May 2004, the Defence Ministry reportedly announced that changes would be made to the military curriculum so that international law is incorporated into the teaching and training provided in military institutions.</td>
<td>Perú 2005, US DOS 2005a, US AID 2003</td>
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<tr>
<td>Defence ministry</td>
<td>A Strategic Plan for Defence reform 2001-2010 was formulated by the Ministry of Defence. A White Book was prepared in a consultative process, including public discussions, between 2002 and 2004. Main objectives of the defence reform are: - Redimensioning - Depoliticization - Professionalization The programs has two phases: 1. Phase: Downsizing, political control 2. Phase Modernisation, professionalization Annual updates on the reform are presented on the Ministry of Defence website <a href="http://www.mindef.gob.pe/lb_2005/">www.mindef.gob.pe/lb_2005/</a></td>
<td>Perú 2005, AI 2004</td>
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<td>Police force</td>
<td>Important reforms were instituted in the national police force after 2001. Under the new Criminal Procedures Code (see below, penal justice), “police will assume added duties, which will require extensive training.” One of the objectives is to improve relations between police and civil society. For instance, the Ministry of Women and Social Development (MIMDES) trained police on gender issues, human rights, and domestic violence and instructed officers processing domestic violence cases. Funding and technical assistance has been provided by USAID; UNDP, Interamerican Development Ban and other donors.</td>
<td>USDOS 2005, US AID 2004</td>
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<tr>
<td>Paramilitary forces, including border guards</td>
<td>Border patrol is done by the military, see under defence ministry for reform efforts</td>
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<tr>
<td>Intelligence services</td>
<td>The Intelligence services have been completely overhauled after the end of the Fujimori-period. However, this has been largely orchestrated by the President’s office with little transparency and accountability to other institutions. The military intelligence service is to be reformed as part of general defence reform (see under defence ministries).</td>
<td>Economist, 9 Oct 2003</td>
</tr>
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</table>
Penal justice | Judicial reform continues to be a priority of the government, but implementation is irregular. The situation in prisons does not seem to have improved. In April 2004, the Special Commission for Integral Reform of the Justice System (CERAJUS) presented its national plan to reform the justice system. In September 2004, the Executive Branch created a Special Commission consisting of six jurists to oversee the implementation of the national plan for justice sector reform. In July 2004, a new Criminal Procedures Code was approved, which will take effect gradually, entering into full effect in February 2006. Between 1997-2002 the World Bank ran a major program (US $22 mn) on legal reform, focusing on improving judicial system performance. IDB has a large program (US $20 million) running US AID runs several programs of judicial reform. | USDOS 2005 HRW 2003 US DOS 2005 US AID 2004 World Bank 2005 |
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Parliamentary oversight bodies | The Comisión de la Verdad y Reconciliación (CVR) del Perú, reported on human rights violations including by security forces, in its final report of August 2003. It includes recommendations for the security and justice sector, including: 1) Developing a national security policy and establishing civilian control over the military intelligence services. 2) Determining the respective spheres of competence of the Armed Forces and the Police. c) Reforms related to the administration of justice such as: 1) Strengthening the independence of the justice system and confining military jurisdiction to service-related offences. 2) Incorporating into domestic legislation developments on international human rights law and international humanitarian law. 3) Reforming the prison system by introducing guaranteed rights for detainees, including access to basic services (food and health care), as well as retraining, rehabilitation and social reintegration programs. 4) Setting up the necessary procedures and institutions to examine and rule on requests for clemency from those convicted on terrorism charges who claim they are innocent (the "innocent prisoners"). Some of the recommendations have been implemented, partly with external support. | AI 2004 |
Legal framework | Various changes in the legal system have been part of defence and legal reform. For instance, the position of the Ministry of Defence vis-à-vis the armed forces was strengthened in 2002 in the “New Organic Law of Ministry of Defence” One unresolved area of particular interest is military justice. In November 2003, the Ombudsman’s Office submitted an appeal on grounds of lack of constitutionality (recurso de inconstitucionalidad) against certain articles of the Ley Orgánica de Justicia Militar, Basic Law on Military Justice, and the Military Justice Code, arguing that they go beyond the bounds of the Peruvian Constitution by granting powers to military courts which should fall to the civilian courts and that they violate the right to have access to impartial and independent courts and judges and the right to legal representation.” | AI 2004 |
References


US DOS 2005  US Department of State, Human Rights


Inventory of security sector reform (SSR) efforts
In developing and transition countries: Eastern Europe and Central Asia

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**Albania**

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<tr>
<td>Defence force</td>
<td>The Albanian Armed Forces (AAF) have to be downsized, professionalised, and modernised in order to be compatible with armies of NATO. Practically all changes within AAF are stipulated by the possible goal of NATO-accession in 2006. In 2002, Albania's armed forces launched a 10-year reform program sponsored and supervised by the U.S. Defence Department in order to trim down and thoroughly modernise its current standing force of more than 30,000 troops. The same radical reform will be implemented on any surplus equipment it has, including airplanes, tanks, helicopters, artillery pieces, even navy ships, weapons and ammunition, which are to be reduced. Albania will reduce them by selling or demolishing. The NATO advising mission is monitoring the fulfilment of bilateral documents (PARP, IPP, MAP, PAP-DIB) following the progress and providing political and technical advice. Only for purposes of military education only, the US has spent $1 Million every year in order to train the Albanian military. Apart from NATO advising mission, the private American Company Science Applications International Corporation (SAIC) is providing consultancy services and training to the AAF.</td>
<td>CSEES 2005</td>
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<td>Defence ministry/</td>
<td>The Directorates of the General Staff were restructured according NATO standards of 9 J-Departments dealing with Personnel Directorate (J1), Intelligence Directorate (J2), Training and Operations Directorate (J3), Logistics Directorate (J4), Military Planning Directorate (J5), Communications Directorate (J6), Defence Resources, Management Directorate (J7), Public Health Directorate (J8), Civil-Military Relations Sector (J9).</td>
<td>MoD 2005</td>
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<td>General Staff</td>
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<tr>
<td>Police force</td>
<td>Policing is being reformed, albeit slowly, according to the Reform Strategy of the State Police. A new restructuring of the Albanian State Police (ASP) created two deputy directorates: One for operations and the other for administration. The legislative reform in the State Police, in compliance with the European standards, has been drafted and implemented based on the &quot;Strategy of the Reform of the State Police&quot; assisted by experts of the MAPE Mission, INTERFORZE, and ICTAP, actually assisted by ECPA-A experts. It has been compiled in two legal packages in compliance with the Constitution and the Law &quot;On the State Police&quot;. From the year 2000 up to the present, several Laws, Decisions of the Council of Ministers, Regulations as well as the Sub-legal Acts for their implementation have been compiled. The goal of the reform has been to provide all the police activity with a legal frame, in compliance with the international standards such as conventions, protocols and western experience. The restructuring of the State Police, from the central to the base levels, is done in compliance with the principles of western countries policing. This restructuring determined the necessity of reducing the figure of police employees from 16 000 to 12 500, aiming at increasing the efficiency of police services in solving quickly all problems related to organised crime. The reduction of the administrative staff and the increase of operational staff at Police.</td>
<td>DCAF 2004 HRR USSD 2004</td>
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<td>Directorates and Commissariats aimed at increasing the base structures.</td>
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<td><strong>Paramilitary forces, including border guards</strong></td>
<td>The Border Police Directorate has been transferred from the MoD to the MPO. The Department for Security Co-operation of the OSCE Presence in Albania provides assistance with public order and security matters, including cross-border co-operation. The Department includes a Police Assistance and Border Management Unit that was established in June 2002 to co-ordinate the presence and activities of border-related issues, and to assist the Ministry of Public Order with regard to Joint Border Co-operation Meetings.</td>
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<tr>
<td><strong>Intelligence services</strong></td>
<td>(No relevant information found) The State Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. Civilian authorities generally maintained effective control over the security forces. The Military Intelligence Service (MIS) is directly subordinated to the minister of defence. MIS is a non-political specialised intelligence service that is to carry out operations throughout the country as well as abroad. MIS has been structured as a directorate at the Ministry of Defence. The Military Police (MP) is a specialised structure within the Armed Forces (AF) and is under the command of the Chief of the General Staff of the Albanian AF. It has the following objectives: to maintain peace and discipline in the AF; to undercover, prevent and investigate criminal activity in the AF; to participate in the war on terrorism; etc.</td>
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<tr>
<td><strong>Penal justice</strong></td>
<td>(No relevant information found) Conditions inside the prisons and detention centres remained poor, despite government efforts to address problems such as poor facilities and overcrowding as well as efforts to transfer convicted inmates from detention centres to prisons. The prison staff was poorly trained. Overcrowding caused substandard living conditions for prisoners and significant security problems for the police forces. According to the Ministry of Public Order the country's overall space capacity for all pre-trial detention facilities amounted to 803, but the actual number of detainees was 1,239.</td>
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<td><strong>Parliamentary oversight bodies</strong></td>
<td>Parliamentarians do not have resources, expertise and even time to keep a close watch over the complex and large government activities. The Assembly is ‘only pretending’ to exercise oversight and performs its functions very poorly. Parliamentarians have to rely on the information emerging from the government and the military, the very institutions that they are expected to oversee. Legislative oversight of the armed forces, including the defence budget, is weak and perfunctory. Lack of money and staff with sufficient expertise hinders the functioning of oversight by parliamentary committees.</td>
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<tr>
<td><strong>Legal framework</strong></td>
<td>In 2003, several laws were adopted: “the Law on the Statute of the servicemen at the Armed Forces”, “the Law on the Military Intelligence Service”. In June 2003 the Albanian Government finally established the Task Force on Witness Protection, including international experts, to aid witnesses materially and to help the government prepare and implement witness protection legislation. A draft law is now before parliament for approval.</td>
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</table>
References

CSEES  Center for South-European Studies
http://www.csees.net/?page=country_section&country_id=1&sec=8

OSCE  http://www.osce.org/albania/13144.html

MoD  Albanian Ministry of Defence

AP  Albanian Assembly (Parliament)
http://www.parlament.al/english/kom-kuv.html

DCAF  Marina Caparini. Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans, 2004

ASP  Albanian Ministry of Public Order. The Albanian State Police in the Fight against the Organised Crime and the Vision for the Future
http://www.inwent.org/ef-texte/crime/aranitasi.htm
## Armenia

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<tr>
<td>Defence force</td>
<td>In order to maintain a sense of even-handedness, the US has increased its security-related assistance, with $4.4 million provided in the 2002 financial year to improve interoperability between US and NATO forces. There government plans to develop and undertake a major decade-long military reform effort in consultation with the North Atlantic Treaty Organisation (NATO). A new National Security Strategy document would be prepared by the government vetted with non-government experts and presented for approval by the next National Assembly to be elected in 2007. The reform plan will be guided by four major principles: realistic goals, gradual implementation, thorough analysis and flexibility, and democracy and transparency of the process. It is estimated that by 2015, Armenia will have a military “which will meet the requirements of the 21st century”.</td>
<td>SW May 2005</td>
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<tr>
<td>Defence ministry</td>
<td>It appears that the concept of civilian control over the armed forces is poorly understood in Armenia. No real distinction is made between the Ministry of Defence as a civilian body and the General Staff, and the Armed Forces as the operational, military arm. The MOD is not run in a transparent fashion and information to civilian sources is very limited; for example, unlike many ministries of defence around the world, it does not even run a website.</td>
<td>SW May 2005</td>
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<tr>
<td>Police force</td>
<td>In June 2002, a new Law on Police was passed outlining the roles and responsibilities of the police force, paving the way for its alleged professionalisation. As a result, in December 2002, the Ministry was downgraded to an adjunct body of the government and renamed the ‘Police of Republic of Armenia’. Ostensibly, this was done to bring Armenia into line with European standards. Many commentators were suspicious, however, noting that in effect, the President had succeeded in bringing this important part of the security apparatus firmly under his own personal control, as the police are no longer answerable to anyone but him. Police reform is also on the agenda of the OSCE. The OSCE Office established a partnership with the Armenian authorities to develop a Police Assistance Programme. In co-operation with the Armenian Police, the Office in Yerevan has already identified areas in need of assistance. These include: community policing, curriculum reform of the Police Training Centre and strengthening the emergency response capacity in Yerevan. Another important component is the refurbishment of the Police Training Centre - the only institute in the country where training to become standard, non-commissioned police officers is conducted. An agreement on this part of the programme was signed in March 2005.</td>
<td>SW May 2005</td>
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<tr>
<td>Paramilitary forces, including border guards</td>
<td>The National Security Service also includes approximately 2,000 Armenian Border Guards, who patrol Armenia’s borders including joint patrols of the Turkish and Iranian borders with the Russian Federal Border Guard Service. The reason the Border Guards are placed within the NSS appears to be based largely on the old Soviet model, though it may be argued that This helps the NSS to combat trafficking more effectively. On the other hand, such a format is</td>
<td>SW May 2005</td>
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very unusual for European countries, and reflects the fact that as with other security agencies, the Border Guards are over-militarised and are not subject to any form of civilian control.

Intelligence services
The National Security Service (NSS), like the Police, has undergone a number of changes to its status and power since independence in 1991. This was then merged with the MOI in 1996 to form the Ministry of Internal Affairs and National Security (see above), but became a separate Ministry again in 1999. At the end of 2002, its status was changed again, when along with the Police, it was made an adjunct body to the government answering directly to the President.

Penal justice
In March 2001, the Government of Armenia adopted a 3-year plan to reform criminal and penitentiary legislation. A package of 25 draft laws had been prepared which are now at different stages of the legislative process. For example, the Criminal Executive Code had not yet been presented to the Parliament since the Ministry of Justice wants the Criminal Code to be adopted first. The deadline for completion of the plan was October 2004. The actual reform process started in 2001 with the transfer of Criminal Executive Department (formerly Department of Execution of Criminal Punishments) from the Ministry of Interior to the Ministry of Justice. The main reason behind the structural reform was the demilitarisation of criminal executive system and particularly the prison administration.

Parliamentary oversight bodies
Parliament has the primary responsibility for initiating and amending legislation. However, its record with regard to the security sector is not encouraging. Though it has passed a number of relevant laws, including some on Defence, on Martial Law, on Security Bodies, on Military Service, on the Police, and on Interior Troops, it is doubtful whether the parliament’s role in scrutinising and amending this legislation was really that significant. The Standing Committee on Defence, National Security and Internal Affairs is responsible for ‘defence, security and internal affairs, the military-industrial complex, military educational institutions, military service and the police’. The National Assembly has very limited control over the budget of the security sector, particularly the defence budget. The National Assembly has little effective powers of oversight over the security sector. In part, this reflects the general weakness of parliament. In practice, the only civilians that have any control over the Armed Forces are the President, the Defence Minister, and a small circle around them.

Legal framework

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COE Council of Europe
http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Prisons_and_alternatives/Technical_co-operation/Armenia/Armenia_4thSG_meeting%20report.pdf
Azerbaijan

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| Defence force                       | Azerbaijan signed an individual partnership plan with NATO in April 2005, which requires Baku to bring its army into compliance with the alliance's standards before future membership can be considered.  
In addition, the defence ministry will see several of its departments disbanded. The five-year plan also requires cuts in the ranks of military servicemen, recruitment of more civilians and gradual transition from the conscript-based army to fully professional armed forces. Also in the pipeline is the introduction of alternative military service.  
The Azerbaijani president announced a big increase in defence spending that he says would transform his country’s military capacity. While the defence budget was 135 million US dollars in 2003 and 175 million last year, this year it reached 300 million dollars. In recent months, there has been more talk in Azerbaijan of using the military option to resolve the frozen conflict with Armenia over the disputed enclave of Nagorny Karabakh. | NATO 2004  
EWI 2005  
TW 2005 |
| Defence ministry                    | (No relevant information found)                                                                                                                                                                         | OSCE 2005 |
| Police force                        | The formulation of a police assistance programme for Azerbaijan was completed by mid-2004, initially focusing on the comprehensive restructuring of the training of police recruits. This will include changes to the content and methods of delivery, renovation of the training centre, provision of modern teaching aids and computers, and a twinning arrangement with a police training academy/institution; implementation of a community policing model in one of the regional operational police centres; enhancement of the drug investigation capacity through analytical support, including to ascertain the true level of drug consumption in the country, drugs transit routes, and the probability of stockpiling of heroin and other opium derivatives. The existing criminal information management system will be upgraded. Some basic equipment will also be provided to improve the effectiveness of drug investigations. A needs assessment mission to precede project formulation will be conducted in early 2005. A contribution to the programme was made by Sweden, but by the end of 2004, no other extra budgetary contributions had been received and the programme proposals remained outstanding. |          |
| Paramilitary forces, including border guards | (No relevant information found)                                                                                                                                                                         |           |
| Intelligence services               | (No relevant information found)                                                                                                                                                                          |           |
| Penal justice                       | During the year, the Ministry of Justice (MOJ), which oversees the prison system, continued a program to improve prison conditions and renovated five prisons. In 2003, the Government built five new prisons and several were renovated.  
The reform of the penitentiary system remains one of the most urgent needs in Azerbaijan. Efforts should be |
|                                     |                                                                                                                                                                                                 | US DOS    
HRR 2004  
OSI 2005 |
undertaken to improve prisoners' knowledge of their rights, for instance through the development of locally produced guidebooks and brochures. The OSI plans to support HR groups to monitor prisons, detention places and court trials; to support their training to send cases to the Human Rights Court in Strasbourg. Training or at least increase of legal awareness of the prison's staff should also be of interest, which would allow help to prevent the violation internal rules. Another interesting area for prison work is in access to justice, bringing legal information and services closer to prisoners and their families. The OSI will work with the information program and possibly also the education program to initiate new projects in prisons.

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<tr>
<th>Parliamentary oversight bodies</th>
<th>One of the main obstacles in the way of Civil Control is the fact that under the Constitution, the Parliament has no rights to exercise Control over the Executive Power. The President and his ministers do not have to report to the Parliament and the Parliament cannot carry out investigations into cases that violate the law. There is still no standing Committee on Defence and Security in the parliament.</th>
</tr>
</thead>
</table>

**References**

EWI | East West Institute  

OSI | Open Society Institute  
http://www.osi-az.org/law00.shtml

DCAF | CIVIL CONTROL ON ARMED FORCES IN YOUNG NATIONS: THE CASE OF AZERBAIJAN, 2002  

TW | Turkish Weekly  
http://www.turkishweekly.net/news.php?id=14633

### Belarus

<table>
<thead>
<tr>
<th>Sector</th>
<th>Comment</th>
<th>Sources</th>
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| **Defence force**              | The government has approved new national security and military building concepts, and a new military doctrine for to be implemented to the year 2010. The Belarussian army's strength is planned to be downsized from 85,000 to 65,000 by 2005. Planned changes include combining the Air and Air defence Forces, transitioning from a conscript to a contract force, and modernising the command and control structure by creating a Ground Forces Command between the Ministry of Defence and the units in the field. The key tasks of the military reform is to resolve social problems of army servicemen and to enhance their status. | http://www.globalsecurity.org/military/world/belarus/mod.htm  
http://www.state.gov/r/pa/ei/bgn/5371.htm | USDOS 2005  
GS 2001                                               |
| **Defence ministry**           | (No relevant information found)                                                                                                                                                                          | DCAF 2002     |
| Police force                   | The reforming of the Ministry of the Interior in 2002 envisaged reductions of personnel in the central bodies, strengthening of the directorates of morals, illegal drug trafficking and the criminal militia. Technical services will be gradually manned with civilians. The State Auto Inspection is undergoing reductions, and sergeants are being replaced with officers. | DCAF 2002     |
| Paramilitary forces, including border guards | (No relevant information found)                                                                                                                                                                          |               |
| Intelligence services          | (No relevant information found)                                                                                                                                                                          |               |
| Penal justice                  | (No relevant information found)                                                                                                                                                                          |               |
| Parliamentary oversight bodies | The parliament has no rights of overseeing the security sector. Belarus is a strong presidential republic. The Parliament is not allowed to tackle the issue of balancing presidential powers. | DCAF 2002     |
| Legal framework                | The National Security Concept adopted by the Presidential decree of July 17, 2001  
The Law "On the Adoption of the Military Doctrine of the Republic of Belarus", January 3, 2002  
The Law "On Defence" amended on July 17, 2002  
The Law "On the Armed Forces of the Republic of Belarus" amended July 24, 2002  
The Law "On the Martial Law" adopted on October 3, 2002 | MOD 2005      |
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<th>References</th>
<th>Source</th>
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<tr>
<td>MoD</td>
<td>Ministry of Defence, Legislative Basis &lt;br&gt;<a href="http://www.mod.mil.by/zakon_eng.html">http://www.mod.mil.by/zakon_eng.html</a></td>
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<tr>
<td>USDOS</td>
<td><a href="http://www.globalsecurity.org/military/world/belarus/mod.htm">http://www.globalsecurity.org/military/world/belarus/mod.htm</a></td>
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<tr>
<td>GS</td>
<td><a href="http://www.state.gov/r/pa/ei/bgn/5371.htm">http://www.state.gov/r/pa/ei/bgn/5371.htm</a></td>
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## Bosnia & Herzegovina

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<tr>
<td>Defence force</td>
<td>The establishment in May 2003 of a commission to drive military reforms forward in Bosnia was the first step towards the eventual merging of Bosnia's two armies. The most immediate question is just how multi-ethnic the new joint military will be. SFOR has already come up with a number of proposals for the shape of the new armed forces. The force will have between 10,000 and 15,000 troops. This would represent a reduction on current numbers - the Federation Army, VF, has 13,200 soldiers, 9,200 of them Bosnian Muslims and 4,000 Croats, while VRS has 6,600 men. Of the options proposed by SFOR, there are three front-runners. One would create three ethnically mixed brigades under joint command. This option would be closest to the concept of a single, multi-ethnic army and would erase separate military identities. As the single biggest ethnic group, Bosnian Muslims have the greatest interest in seeing this kind of army come into being. The second proposal is more of a compromise. It would see a joint command structure in charge of one Serb and two joint Croat and Bosnian Muslim brigades. The drawback of this is that it would effectively perpetuate the existing Federation army and VRS. Many Croat and Serb politicians are believed to be favour of a third option in which there would be three separate brigades - one Serb, one Croat and one Bosnian Muslim - under a joint command. Like the preceding one, this plan would not erase ethnic differences.</td>
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<tr>
<td>Defence ministry/General Staff</td>
<td>At the moment the two entities of Bosnia-Herzegovina - the Federation and Republika Srpska, RS - have separate defence ministries. After the reform, the two entity armies would be transformed into a leaner military, with a joint command and general staff.</td>
<td>CSEES 2005</td>
</tr>
<tr>
<td>Police force</td>
<td>In July 2004 the Office of the High Representative set up a police restructuring commission to develop reform policies and draft legislation, which in December proposed that the SIPA, the State Border Service and the local police forces be united into a single national police structure. Since the end of the war in 1995, which split the country into the Federation and the Republika Srpska, RS, the two entities have run their own police forces. They are not even allowed to cross borders. The reform plans envisaged creating a united police force funded from the state budget, scrapping political controls over police work and allowing police free access to both sides of the ethnically demarcated line. Both the Federation and the RS maintain their own police forces, as does the District of Brcko, and there are three primary levels of law enforcement in the country: The state-level BiH Ministry of Security (MOS), which does not maintain a police force but is supported by the State Investigation and Protection Agency (SIPA) and the State Border Service; the Federation Ministry of Interior (FMUP); and the RS Ministry of Interior (RSMUP). The RSMUP has a centralised structure with five public safety centres (PSCs) throughout the RS that report directly to the RSMUP. The structure of the FMUP is not centralised. Neither the FMUP nor the RSMUP are required to report to the MOS. On June</td>
<td></td>
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CSEES 2005

AI 2004

HRR USDOS 2004
15 2004, the State Parliament passed the Law on the State Investigation and Protection Agency, giving SIPA executive
authority to investigate serious crimes, including terrorism, trafficking, narcotics, organised crime, war crimes, and
money laundering. By year's end (2004), SIPA had hired 281 of its projected 800 employees.

Following the adoption of the report by the Police Reform Commission (PRC) in January 2005, the High Representative
recommended the territorial organisation of BiH police on the basis of ten areas which, based on operational efficiency,
cross the inter-entity border lines where it is operationally expedient.

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<tr>
<th>Paramilitary forces</th>
<th>(No relevant information found)</th>
<th>COE</th>
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<tr>
<td>Intelligence services</td>
<td>Until May 2002, two discrete services existed in the Federation (one was the Bosniak Agency of Investigation and Documentation AID and the other the Croatian National Security Services - SNS). Republika Srpska's entity was the Service of State Security. There was no co-operation among the three services. Under a bill, adopted by the Bosnia-Herzegovina Federation Parliamentary Assembly's House of Representatives in May 2002, a new agency - Bosnia-Herzegovina Federation Intelligence and Security Service (FOSS) was created that unified the Bosnian AID and the Croatian SNS. The government is to appoint the new leaders of the service. Since the end of May 2003, the Intelligence Reform Commission has been working on a draft law, which will establish an efficient, non-political intelligence service in this country. The draft law was expected to be presented to the Council of Ministers until the end of 2003.</td>
<td>CSEES 2005</td>
</tr>
<tr>
<td>Penal justice</td>
<td>As it concerns detention facilities, the process of prison reform – for which CoE is the lead organisation – is on-going. However, there is still lack of a coherent BiH strategy towards prison issues. Such a strategy needs to address issues linked to the creation of a single prison administration for BiH, the consideration of alternative measures to imprisonment and the elaboration of a national Action Plan to combat drug abuse. The provisional 21-bed pre-trial high security detention facility for BiH became operational in February 2005 to cover the needs of the newly set up War Crimes Chamber. It will also be used for organised crime detainees, upon availability. Only few detainees are currently held in this new facility. The CoE continues to work closely with the Registry of the Chamber in developing the necessary regulations and training of personnel. At the same time, international donors funds are still being sought for a project proposal to build a high security State level prison and remand facilities for some 400 persons.</td>
<td>COE</td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>In accordance with provisions of the Constitution of BiH, the Parliamentary Assembly (two cameral, 57 seats in aggregate) does not have direct authority over most aspects of security, including defence issues.</td>
<td>DCAF 2003</td>
</tr>
<tr>
<td>Legal framework</td>
<td>There has been no progress as regards the backlog of cases and enforcement of court decisions, mentioned in previous reports. The EC is at present investing several million Euros on introducing information technology in court administration. HJPC is proposing the creation of a single BiH Judicial and Prosecutorial Training Centre, financed by the State budget, as of 1 January 2006. The CoE, in co-operation with the EC, has played an important role in supporting the two existing training centres, mainly through assistance with the continuous training activities (for judges and prosecutors), and in establishing an initial training system (for future judges and prosecutors).</td>
<td>COE</td>
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</table>
References

CSEES  Center for South-European Studies http://www.csees.net/?page=country_section&country_id=1&sec=8

COE  Council of Europe

AI  Amnesty International, 2004 Report

TW  Turkish Weekly http://www.turkishweekly.net/news.php?id=11604
Bulgaria

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>The reform of the Bulgarian Armed Forces (BAF) began in 1997. Based on the Force Structure Review in 2002, which is one of the NATO Partnership Goals, the Government approved an Updated Plan for the Build Up and Organisation of the Armed Forces of the Republic of Bulgaria by 2004 (Plan 2004). The goal of the reform is to have armed forces whose personnel is reflective of the financial capacities of the country, and with all the characteristics of an effective, modular, mobile and combat-ready force able to provide the defence of the country, and be an equal rights partner within the framework of the international military co-operation. The downsizing of the personnel is aimed to align the officers pyramid to NATO standards with a ratio of 40 to 60% of senior and junior officers. In 2002, the personnel of the Bulgarian Army was reduced with 44% thus achieving a ratio of 52.8 to 47.2% in favour of junior officers. The Reform of the BAF is accompanied by social adaptation programs for those servicemen, who have been released, the destruction and utilisation of the excess infrastructure and armaments, providing funding for the modernisation plans, improving the operational and combat readiness of the units, achieving interoperability, establishing a permanent reserve and professionalisation of the soldiers corps. The BAF are in the process of modernisation of its armaments and equipment. The Plan for Modernisation comprises of three stages and will be completed by 2015. First draft version of the White Paper on Defence and Armed Forces, January 2001 - officially printed July 2002.</td>
<td>CSEES 2005</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>There has been a modernisation of the human resources management system of the Ministry of Interior. This project has been implemented jointly with France. In the framework of the project, a concept for reform of the first phase recruitment and training system of the Ministry of Interior staff has been developed. The first phase was finalised on the 1st July 2003. In March 2004, all police officers received a copy of the 2003 Police Code of Ethics, which was also included in the training curricula at the Police Academy and in continuing education programs for police officers. The curricula at the Police Academy and the Officers' Schools also included human rights-related training in their mandatory courses.</td>
<td>MOI 2005</td>
</tr>
<tr>
<td>Paramilitary forces,</td>
<td>The project on the deployment of mobile units for border control and surveillance on the Bulgarian - Turkish border and implementation of the best EU control practices in the border area (2003) has been launched. It aims at further strengthening border management in Bulgaria, through the introduction of operational standards and requirements based upon EU best practices of border control, as well as through the modernisation of the equipment in compliance</td>
<td>MOI 2005</td>
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<td>including border guards</td>
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with the EU standards for external borders. It focuses on further simulation of the process of strengthening border control and management through introduction of surveillance equipment in the border regions of Elhovo (the border with Turkey) and Bourgas (the Black Sea border) in order to fight effectively all forms of criminality that take place across the Bulgarian state border. It constitutes the first phase of an expected multi-year Phase investment.

**Intelligence services**

The National Security Service is responsible for identifying and countering foreign intelligence, subversive or terrorist activities affecting the security, territorial integrity, or sovereignty of the country. It has authority on domestic law enforcement in cases involving international criminal activity, organised crime, smuggling, political corruption and illegal fascist or nationalist organisations. In the beginning of 2003, some structural changes took place within NSS. The Economic Security and Internal Security divisions were closed, with their powers and archives transferred to the National Service for Combat Against Organised Crime (NSCAOC). The alternations were rather a temporary decision than a sign of a clear vision of the security sector reform.

**Penal justice**

(No relevant information found)

**Parliamentary oversight bodies**

The National Assembly performs important functions in regard to defence and security, and includes the Committee on Foreign Policy, Defence and Security (CFPDS); the Committee on Internal Security and Public Order. According to the 'Internal Rules of the Committee on Foreign Policy, Defence and Security', it is a specialised organisation of the National Assembly participating in the formulation of foreign policy, national security policy, and defence policy of the Republic of Bulgaria and assisting in its implementation. It examines draft laws and proposals for decisions and declarations, prepares reports and makes recommendations in areas of its responsibility, as well as when tasked by the Speaker of the Parliament. The Committee examines reports of ministers and officials from the Ministry of Defence, the National Intelligence Service and the National Service for Protection. The CFPDS has access to classified information related to its activity; this information is used according to the provisions of the 'Law on the Protection of Classified Information'.

**Legal framework**

In March 2004, regulations were enacted to implement the 2003 constitutional amendments limiting magistrates' immunity and increasing their accountability. Additional amendments to the constitution and the Judicial Systems Act, particularly addressing the role of investigators, were prerequisites to EU accession. During the year, the SJC replaced a large number of court chairs, head prosecutors, and head investigators at all levels of the judiciary in response to calls for judicial reform.

**References**

CSEES  Center for South-European Studies  
http://www.csees.net/?page=news&news_id=39586&country_id=1

DCAF 2002

US DOS HRR 2004
MOD  Ministry of Defence  http://www.md.govtment.bg/

MOI  Ministry of Interior  http://www.mvr.bg/en/EUIntegration/Projects/prj_home_affairs08.htm

US DOS  HRR 2004  US Department of State  
http://www.state.gov/g/drl/rls/hrrpt/2004/41674.htm
Croatia

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<th>Sector</th>
<th>Comment</th>
<th>Sources</th>
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<tr>
<td>Defence force</td>
<td>The National Security Strategy and Defence Strategy passed in 2002. The new Strategic Defence Review (SDR) which finally has been completed and awaits adoption by the parliament (2005). The SDR is the long awaited basis for the still not written Long Term Development Plan (LTDP) of the CAF. The work on the SDR started as early as October 2003 with the establishment of the SDR Council and SDR Development Committee. It is planed to abolish compulsory service within the next five years. Furthermore, it seeks to create flexible forces for international operations within NATO, EU or UN missions instead of heavy territorial defence. It also calls for the abolishment of the so-called “B” reserves, which comprise of 76,000 reservists with regular training and basic equipment. The remaining reserves will form an additional component to be called upon in the case of national defence (including a component of 8,000 members of contract reserve). Downsizing of active military personnel has taken place, leaving 16,000 added by 2,000 civilian employees (down from currently about 29,000). New equipping and modernisation might take until 2015 due to limited funds. The American private military company Military Professional Resources Inc. (MPRI) is involved in training of the CAF.</td>
<td>BICC-DCAF Draft-Paper 2005</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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| Police force    | The overall objective of the OSCE Mission to Croatia police programme is to "support the establishment in Croatia of a Police Service featured by democratic values, accountable to the law, respecting and protecting human rights and the rights of minorities, assuring law and order and security in society ,and instilling public confidence through transparency." The tasks of the Mission's Police Affairs Unit have shifted from monitoring to advising the Ministry of Interior in its reform of the Croatian Police in line with European standards. Advice focuses on the following issues:  
  - restructuring parts of the police administration and reviewing the total numbers of police officers;  
  - increasing the number of women and national minorities within the Police to better reflect the society it serves;  
  - enhancing regional police co-operation to more effectively combat cross-border organised crime, and, in particular, restructuring the Border Police in line with European standards;  
  - continuing with the development of Community Policing, which would also contribute to reconciliation between different communities;  
  - safeguarding the independence of police from possible political interference.  
The Police Affairs Unit also facilitates the co-ordination of international police assistance to Croatia, and works in close co-operation with the European Commission Delegation and other international organisations and agencies. | OSCE 2005                     |
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<th>Category</th>
<th>Description</th>
<th>Reference</th>
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<tr>
<td>Paramilitary forces, including border guards</td>
<td>Croatia formed a border police force in January 2002 that currently numbers of 2,200 members. The strength of the border police was scheduled to increase to 5,900 within the next five years to meet Schengen border standards.</td>
<td><a href="http://www.nato-pa.int/Default.asp?SHORTCUT=326">http://www.nato-pa.int/Default.asp?SHORTCUT=326</a></td>
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<tr>
<td>Intelligence services</td>
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<td>Penal justice</td>
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<tr>
<td>Parliamentary oversight bodies</td>
<td>The Croatian political system has become essentially semi-presidential, with a sharing of certain key powers, which obscures political accountability and raises the possibility of deadlock when the president and the prime minister are politically opposed (cohabitation). Democratic oversight and control of the services are practically non-existent because the Parliamentary Internal Affairs and National Security Committee has not taken up its duties as defined by the Security Services Act, and other intelligence oversight bodies have not been established. In summary, Croatia’s intelligence services still do not function in accordance with democratic principles.</td>
<td>DCAF 2004</td>
</tr>
<tr>
<td>Legal framework</td>
<td>Security sector reforms have involved mainly constitutional changes (reducing the powers of the president) and new legislation (for example, in 2002, new laws on defence, security services, national security strategy and national defence strategy). Practical reforms have been scarce. For instance, the Security Services Act established a National Security Council, but it has yet to meet, leaving certain ministers in charge of intelligence agencies. After two years of rivalry within the executive, a new legal framework was achieved in the form of the 2002 Security Services Act, which renamed the services and placed them under the shared power of the prime minister and cabinet and the president. However, there has been little effort to implement the new provisions (for example, there is no lustration process to screen personnel)</td>
<td>DCAF 2004</td>
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References

CSEES  Center for South-European Studies  
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OSCE 2004  Organisation for Security and Co-operation in Europe  
http://www.osce.org/croatia/13154.html

DCAF  Marina Caparini, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans, 2004

NATO PA  NATO Parliamentary Assembly  
### Georgia

**Defence force**

Georgia could become a candidate for NATO membership by 2006. To attain the NATO goal, however, Georgia must first undertake a comprehensive modernisation and democratisation of its defence establishment, carried out under a self-imposed Individual Partnership Action Plan (IPAP). Once Georgia meets its IPAP goals, the next step would be a Membership Action Plan. Making army brigades NATO-ready is the country’s top priority. Other immediate priorities include: bringing Georgia’s air-surveillance system in line with NATO standards; improving transparency in the logistics and public procurement departments, counting equipment and soldiers; creating a career development program for soldiers, and merging Georgia’s navy with its coast guard. The Defence Ministry’s budget currently stands at 317 million lari, or roughly $173 million. With regard to US security assistance, one also has to mention the Training and Equipment program started in 2002. In the frames of this USD 65 million program, the build-up and training of four Georgian battalions has been planned. The program scheduled to be accomplished in the early 2004. [http://www.eurasianet.org/departments/insight/articles/eav040705.shtml](http://www.eurasianet.org/departments/insight/articles/eav040705.shtml)

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<td>AD 2001</td>
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<td>EA-net 2005</td>
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<td>DCAF 2004</td>
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**Police force**

Project “Promoting behavioural change among the public and police forces of Georgia” is financed by the European Union and implemented in partnership with ALPE, Liberty Institute, the Georgian Institute of Public Affairs and the British Council. The objectives of the program are: to increase support of society based on the rule of law; change and improve the perception and attitudes of police forces towards the principles of the rule of law and the needs of civil society; to improve public perception and attitudes towards criminal justice system. The Georgian Police Academy conducted training for trainers called "Democratic Policing". Policemen attended lectures on professional ethics of policing, as well as issues on how to apply the European Convention on Human Rights to police work. The seminars included group exercises in the using of force against violence and establishing public order. The newly drafted Police Reform Concept Paper (2004-2006) envisages the establishment of public control mechanisms. According to the Police Reform Concept Paper, overseeing boards will be created in administrative and regional units of Police. The police training college in Georgia have requested Saferworld’s help in training senior officers in community-based policing. The OSCE in Tbilisi focused on: strengthening of the Ministry of the Interior personnel management system; development of a new concept / model for basic police training for the Georgian Police Force; introduction of modern community policing concepts as one of the foundations of the reform of the Georgian Police Force. Projects implementation will involve fielding eight international experts in four teams to conduct an in-depth assessment in the four above-mentioned policing areas. The assessment is planned to be completed by the end of 2004.

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<td>BC 2002</td>
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**References**

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<td>Jamestown.org</td>
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<tr>
<td>OS</td>
<td>Open Society Foundation</td>
<td><a href="http://osgf.ge/?lang=en&amp;show=programs&amp;action=view&amp;id=30">http://osgf.ge/?lang=en&amp;show=programs&amp;action=view&amp;id=30</a></td>
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<td>Intelligence Watch</td>
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### Kazakhstan

#### Sector | Comment | Sources
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**Defence force** | A military reform in Kazakhstan started in 2000-2001. A law on contract service has been passed, and one on alternative service is "under consideration." A legislative basis for further military reform has been drawn up for the period up to 2005, with provisions for various sub-programs. A military doctrine has been written and the organisation of the Armed Forces in Kazakhstan has been divided into four Military Districts. Until 2005, the number of contract (or professional) soldiers must be 85% (now 65%). In July 2004 the Kazakhstani government finally gave approval to plans to increase contract-service levels within the armed forces, representing a critical test to the validity of its reform program. Additionally, the aim of attaining NATO interoperability within higher readiness formations, which seems a long way off, inched forward when the decision was taken to create a military language institute in Almaty to train officers in military English, French, and German. The institute of sergeants was reformed through introducing of new system of ranks: 3, 2, 1 class sergeant; staff sergeant and master sergeant. [http://www.centrasia.ru/news.php4](http://www.centrasia.ru/news.php4) Program for the modernisation of the Armed Forces is foreseen until 2010 aiming at professionalizing the army and the modernisation of the air defence. | KISI, JT 2004, CA, KISI

**Defence ministry** | **No reported reforms.** Some local military experts think that it is necessary to draw a line between the authorities and functions of the Defence Ministry and the General Staff. The scheme looks as follows: General Staff supervises all the types of military forces, military districts, special forces, military educational institutions and some departments of the Defence Ministry. The Ministry remains the central organ of the military and political governing, interacts with the parliament, government and other ministries. That means that the General Staff will rule the army and its structures and the Defence Ministry will participate in working out of the military policy of the state, planning of the budget, in the international military co-operation and inspection of military forcers. Hence, one can make a conclusion the level of co-operation of Defence Ministry with the civil structures will increase more. [http://www.kisi.kz/English/Our_publications/Laumulin_1_en.html](http://www.kisi.kz/English/Our_publications/Laumulin_1_en.html) | KISI

**Police force** | A restructuring of the Kazak internal affairs ministry has given the police force greater powers to prevent crimes and arrest offenders, to the dismay of many residents. The ministry said that the main changes – which involve the current district inspectors being replaced by sheriffs – were necessary to improve the efficiency of the service and tighten security. The sheriffs who replace the district policemen will be expected to concentrate on crime prevention, which will require them to gather information on local people – such as youngsters with drug problems and families affected by domestic violence. Under the reforms, the sheriffs will keep their positions for life, unlike the district | IWPR 2004, RCA No. 267, 20-Feb-04
inspectors, who are obliged to retire at forty-five. In addition, they will be given a state apartment, which after ten years will become their own. The sheriffs - who are to be chosen by the communities they serve - will have more powers than the district inspectors, allowing them to arrest people indiscriminately.

| Paramilitary forces, including border guards | The Border Guard Service, currently a force of 30,000 (including the Maritime Border Guard) has also undergone reform. Kazakh authorities plan to enhance their necessary response time by installing modern surveillance equipment at border areas. Appropriate tactics are being devised in conjunction with proper training to support these new technologies and optimise the use of modern surveillance and interception equipment. Border communication and information systems will also be procured and greater attention given to language training for border guards through participation in Western military courses. These measures will be enacted with the assistance of Kazakhstan's international partners in NATO, principally the U.S. and Turkey, with additional assistance from other nations including the UK. |
| Intelligence services | No reported reforms. The KNB/KGB culture of privilege and methods of carrying out intelligence work differs enormously from their western counterparts. Answerable directly to the President, they have little sense of accountability, making intelligence co-operation even more difficult, given the natural reticence on either side to exchange information. The KNB is aided through bilateral agreements with Russia, receiving information from the Russian intelligence service (FSB), while at the same time accessing the antiterrorist cell of the Shanghai Co-operation Organisation (SCO) in Tashkent and the CIS antiterrorist Center in Bishkek. Central Asia does not have a good record in sharing intelligence amongst the other countries in the region. The current priorities of Kazakhstan's developing antiterrorist infrastructure are based upon KNB and Kazakh Military Intelligence threat assessments, which result in frequent low-key arrests (allegedly members of Hizb ut-Tahrir with propaganda leaflets). |
| Penal justice | (No relevant information found) |
| Parliamentary oversight bodies | The main juridical warranty of obeying of the military to the civil society is the fact that the president is the Commander-in-Chief of the country. Ministry of Defence of the RK applies the practice of using the civil specialists in the matters of financing of the army, developing of the defence industry and buying of the weapons. As it is planned by the Government and Ministry of Defence, the share of the civil employers will be increasing and must reach 50%. In Parliament, three committees are closely connected with the Ministry of Defence - committees of international affairs, defence and security. These committees use the experience and knowledge of the people from the Ministry in their work and in turn share their recommendations and the analysis of the laws, being prepared in the military sphere. The civil control over the army is understood by these committees as working out of the foundations |
for the security in the legal acts and the formation of the defence budget. The particular attention is given to the
distribution and expenditures of monitory recourses for the military needs, for the protection of military officers as
citizen, implementing the most important mission for the state.
http://www.kisi.kz/English/Our_publications/Laumulin_1_en.html

| Legal framework | Law on Defence and Armed Forces January 2005 http://www.mod.kz/ | MoD |

**References**

KISI | Kazakhstani Institute for Strategic Studies [http://www.kisi.kz/English/Our_publications/Laumulin_1_en.html](http://www.kisi.kz/English/Our_publications/Laumulin_1_en.html) |
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CSRC | Conflict Studies Research Centre |
Kyrgyzstan

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<thead>
<tr>
<th>Sector</th>
<th>Comment</th>
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<tr>
<td>Defence force</td>
<td>Kyrgyzstan has at least drawn up a document that delineates the targets of military reform. The ‘Comprehensive Basis of Development of Kyrgyzstan Program until 2010’ envisages the development of a small, mobile army capable of meeting the country’s defence needs, both from existing and predicted threats. The military doctrine of the Kyrgyz Republic, approved in 2002, for a period (from 2002) to 2010 and a plan for developing the armed forces of the Kyrgyz Republic to 2010 have put the military on the path to effective and balanced practical implementation. Their main aim is to set up the rapid-reaction forces. From 1.01.2006 the term of active duty will be shortened from 18 months to 1 year.</td>
<td>CSRC 2002</td>
</tr>
<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>The police assistance program in Kyrgyzstan has been set up by the OSCE. This program is designed to reform the police sector in Kyrgyzstan by providing training, advice and equipment to various departments in the Kyrgyz police force, in particular the Kyrgyz police academy. Begun in August 2003 at the request of the Kyrgyz government, the OSCE’s Police Assistance Program for Kyrgyzstan (PAP) is the most comprehensive initiative implemented to date. The program takes an eight-pronged approach to modernise and strengthen law enforcement capacity and institutions in Kyrgyzstan, seeking to: improve the quality of police investigations, strengthen drug interdiction capacities, establish a modern emergency call response centre, create an information analysis system, develop a radio communications system for criminal police, improve police capacity to prevent conflict and manage public disorder, introduce a community policing pilot project, and conduct a comprehensive revision of Police Academy training and curriculum. The PAP is well underway and expected to be completed in the first half of 2005.</td>
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<tr>
<td>EU</td>
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<td>OSCE</td>
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<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
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<tr>
<td>Paramilitary forces, including border guards</td>
<td>On 23 May 2005 the border troops were transferred from MoD to National Security Committee (Intelligence Service - successor of Soviet KGB)</td>
<td>CNS</td>
</tr>
<tr>
<td>Penal justice</td>
<td>A special government resolution of 9 December 2002 approved the blueprint on reforming the penal system. In order to improve the conditions of detention of inmates, government primarily planned to make amendments and additions to the Criminal [Punishment] Execution Code. Government planned to build and restructure the existing corrective colonies, in particular seven minimum-security correction colonies. The blueprint for reforming the penal system until 2010 also provides for the introduction of new services and positions in the staff of the criminal-execution system, which did not exist in the penal system</td>
<td>EUR.net 2003</td>
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before. These are psychological and agrarian services, setting up a rehabilitation centre for convicts, probation systems. An increase in the number of medical and educational workers is provided for. That is to say that measures will be taken aimed at humanising the criminal executive system as a whole, and criminal legislation as well. There are 18,000 convicts in prisons today. The task is to make amendments to the Criminal Code in order not to sentence people to six or 10 years for some crimes like shoplifting. The punishment execution system was removed from the law-enforcement agencies.

The Soros Foundation-Kyrgyzstan in 2003 had supported government initiatives directed at reforming the penitentiary system of Kyrgyzstan. There concept of penitentiary system reform was accepted in the middle of 2003 by governmental order of the Kyrgyz Republic. In addition, under the program support educational Centre for improvement of professional skill of employees of criminal-executive system has been created. Program Atlantis directed on rendering assistance to the prisoner in overcoming of narcotic dependence was started in several pilot colonies. In 2004, the ‘Law program’ will continue work.

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<tr>
<th>Parliamentary oversight bodies</th>
<th>There is a formal reporting function to parliament, but in practice it seems to have little impact on the security organs, who report primarily to the presidential administration. In theory, regional departments of the MIA have dual subordination, to the central ministry, and to the local authorities.</th>
</tr>
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<tbody>
<tr>
<td>Legal framework</td>
<td>(No relevant information found)</td>
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### References

| CSRC | Conflict Studies Research Centre |
| CNS | [http://cns.miis.edu/pubs/nisexcon/pdfs/ob_0505r.pdf](http://cns.miis.edu/pubs/nisexcon/pdfs/ob_0505r.pdf) |
| SF 2004 | [http://eng.soros.kg/functions/programs/low_prg](http://eng.soros.kg/functions/programs/low_prg) |
Macedonia

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>The strategic goal to become a member of NATO in 2006 stipulates all the changes inside of Macedonian Armed Forces (ARM) and the Defence System as whole. The essential goal of the defence reform is the compatibility to NATO standards with regard to legal issues, structure, military decision making system, personnel management strategy, training, equipment and budget construction. downsizing. The active peacetime component of ARM is reduced from 16,000 in 2002 to 12,858. professionalisation. The ARM is to be fully professionalized by the end of 2007. The last conscript will join ARM at the end of 2006. reintegration of minorities is a part of defence reform. 25% of all positions inside ARM have to be filled by ethnic Albanians. The current representation of Albanians in ARM is hardly of 2.54% comparable to 92.79% of Macedonians. Two programs of minorities integration into ARM are approved by MoD. Modernisation. The modernisation and procurement of new equipment is another goal of defence reform. The equipment’s requirements are to fit the desired capabilities and capacities of the ARM, to be NATO compatible and to be in accordance with the budget projections. The special forces have priority in getting new equipment. The equipment’s plan priorities for period 2004-2013. Along with new equipment’s plans, Macedonia has to dispose of obsolete and surplus equipment. International involvement: NATO mission is situated in Macedonian MoD and monitor the achieving of the objectives providing political and technical advice. The private American Company Booz, Allen &amp; Hamilton is in charge of Macedonian Army training. The company provided advising in fields of planning, budget construction, logistic, human resources and language training in terms of NATO standards and needs.</td>
<td>CSEES</td>
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<td>BICC-DCAF Draft Paper 2005</td>
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<td>SDR</td>
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<td>ANP-NATO</td>
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<td>BICC-DCAF Draft Paper 2005</td>
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<tr>
<td>Defence ministry/ General Staff</td>
<td>The restructuring of the Macedonian General Staff is already completed reforming with accordance to NATO scheme of J-departments. Seven GS-units were created. 5 subordinate commands were organised under the immediate command of the General Staff.</td>
<td>MoD</td>
</tr>
<tr>
<td>Police force</td>
<td>The 185-member European Union (EU) Police Mission Proximal was deployed in December 2003 to perform an advisory role, assisting the police in former conflict areas and advising on MOI reforms. The EU granted Proximal a 12-month extension in October at the request of the Government. The MOI took concrete steps to reform the police. In October 2004, it opened the police academy to update and institutionalise the processes of selection, training, and continuous education of police officers, and to create a merit-based, professional police cadre. In April, a pilot community-policing project, the second in the country, was initiated by the MOI in Skopje.</td>
<td>HRR USD 2004</td>
</tr>
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</table>
April, a 1-year training course for 345 "non-majority" police officers, including 280 ethnic Albanian police cadets, 40 ethnic Macedonian cadets, and 25 cadets representing the other ethnicities, was initiated in accordance with the Ohrid FWA.

### Paramilitary forces, including border guards

The Macedonian MoD is in process of functions’ transfer of border protection to the Ministry of Interior. The hand over of the southern border with Greece took place on 07 May 2004. The responsibility for the eastern border was given to MoI on 01.09.2004. On 7 May 2005, the MoI took control of the northern frontier - bordering Kosovo and Serbia. At the end of the year the Border Police will be in charge of the frontier with Albania.

### Intelligence services

**No reported reforms.**

The Military Intelligence Service (MIS) is directly subordinated to the minister of defence. MIS is a non-political specialised intelligence service that is to carry out operations throughout the country as well as abroad. MIS has been structured as a directorate at the Ministry of Defence. The Military Police (MP) is a specialised structure within the Armed Forces (AF) and is under the command of the Chief of the General Staff of the Albanian AF. It has the following objectives: to maintain peace and discipline in the AF; to undercover, prevent and investigate criminal activity in the AF; to participate in the war on terrorism; to participate in the implementation of peacekeeping and humanitarian operations; to guard state property that has been granted to the AF.

### Penal justice

The Criminal Code was amended during the year to allow access to pre-trial detainees to family members, physicians, chiefs of diplomatic missions, and representatives from the European Committee for the Prevention of Torture (CPT) and ICRC, following the approval of the investigative judge.

### Parliamentary oversight bodies

The responsibilities of the parliamentarian Committee on Defence and Security do not focused only on security and defence issues. The members of the Committee are in charge of various matters like: citizenship; judiciary, bar, and public prosecutor’s office; amnesty and granting a pardon; public gatherings and performances; security of road, air, railway and lake transport; protection against natural disasters and epidemic diseases; freedom of movement and freedom of choosing a place of residence; registration of place of domicile and residence; register books and protection of personal data; personal names, identity cards and travelling documents; border crossing and movement along the border lines, movement and stay of foreigners.

The parliament has been and is on the margins of political developments playing the role of a voting machine for decisions made elsewhere.

### Legal framework


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<th>Source</th>
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<tr>
<td>RFE/RL</td>
<td>April, a 1-year training course for 345 &quot;non-majority&quot; police officers, including 280 ethnic Albanian police cadets, 40 ethnic Macedonian cadets, and 25 cadets representing the other ethnicities, was initiated in accordance with the Ohrid FWA.</td>
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<td>CSEES</td>
<td>The Macedonian MoD is in process of functions’ transfer of border protection to the Ministry of Interior. The hand over of the southern border with Greece took place on 07 May 2004. The responsibility for the eastern border was given to MoI on 01.09.2004. On 7 May 2005, the MoI took control of the northern frontier - bordering Kosovo and Serbia. At the end of the year the Border Police will be in charge of the frontier with Albania.</td>
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<td>MA</td>
<td>The responsibilities of the parliamentarian Committee on Defence and Security do not focused only on security and defence issues. The members of the Committee are in charge of various matters like: citizenship; judiciary, bar, and public prosecutor’s office; amnesty and granting a pardon; public gatherings and performances; security of road, air, railway and lake transport; protection against natural disasters and epidemic diseases; freedom of movement and freedom of choosing a place of residence; registration of place of domicile and residence; register books and protection of personal data; personal names, identity cards and travelling documents; border crossing and movement along the border lines, movement and stay of foreigners. The parliament has been and is on the margins of political developments playing the role of a voting machine for decisions made elsewhere.</td>
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</table>
forces. The main goal of the Army Service Regulation Law is to provide support for recruitment and retention of
the military by creating a personnel management system based on a rational rank structure, developing an NCO
corps and systematic military education.

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<th>References</th>
<th>MoD</th>
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<tr>
<td>CSEES</td>
<td>The Center for South East European Studies <a href="http://www.csees.net/?page=country_section&amp;country_id=5&amp;sec=8">http://www.csees.net/?page=country_section&amp;country_id=5&amp;sec=8</a></td>
</tr>
<tr>
<td>MA</td>
<td>Macedonian Assembly (Parliament) <a href="http://www.sobranie.mk/mk/default.asp">http://www.sobranie.mk/mk/default.asp</a></td>
</tr>
<tr>
<td>ANP-NATO</td>
<td>Annual National Program of NATO <a href="http://www.morm.gov.mk/index1en.htm">http://www.morm.gov.mk/index1en.htm</a></td>
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## Moldova

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<th>Sector</th>
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<tr>
<td><strong>Defence force</strong></td>
<td>The concept of military reform was approved by the Parliament in 2002. The Concept determines national requirements on defence, establishes objectives of military policy, generalises tasks for the Armed Forces, and specifies what structure the Armed Forces should have, to meet these tasks. Reform came into effect on 15.08.2002. The Concept is a set of complex ideas, objectives, directions, principles, tasks, and mechanisms for improving the system of ensuring the military security of the state, which are still to be implemented. Thus, we can state that in reality the implementation of the military reform is delayed, because legislative, normative, and administrative changes has not taken place within the set timeframe. It is planned to completed by 2014. <a href="http://www.azi.md/investigation?ID=31195">www.azi.md/investigation?ID=31195</a> Moldova adopted a Concept of Military Reform in 2002 without having first conducted a thorough Defence Review. The Military Reform aims at “modernising Moldavian army into a flexible and sustainable force with well-determined missions. In a sectoral approach, Military Reform was treated as a goal in itself rather than as a key component in the broader Security Sector Reform. Hence, the objectives of this reform are based on a totally unrealistic assumption of a vigorous increase of defence spending from the current level of 0.5 percent of the GPD (8 million Euros) to 2.5 percent by 2013. Under the outdated short-term defence budget planning procedure, the Ministry of Finance has been constantly rejecting any calls for even a symbolic increase in military expenditures. <a href="http://www.iews.org/pdf/European%20Neighbourhood%20Digest_Issue%20Nr%2005.pdf">http://www.iews.org/pdf/European%20Neighbourhood%20Digest_Issue%20Nr%2005.pdf</a></td>
<td>DCAF 2002, 2004, IEWS 2005</td>
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<tr>
<td><strong>Defence ministry</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td><strong>Police force</strong></td>
<td>ICITAP began its assistance to the police academy in 2001. The aims of ICITAP in Moldova are to establish a high-tech training facility and to provide training to academy staff. ICITAP has sponsored internships for the directors of the police academies and equipped the national police academy with equipment such as computers, television and videos. The International Organisation of Migration (IOM) has also been involved in the professional development of the police, alongside prosecutors and the judiciary, focusing on counter-human trafficking measures, which is a considerable problem in Moldova. IOM also contracted La Strada to develop a curriculum for the police academy, which is currently in use. Moreover, IOM developed, together with Moldavian law enforcement agencies, a counter-trafficking manual, which includes interview techniques and undercover investigations.</td>
<td>DCAF 2003</td>
</tr>
<tr>
<td><strong>Paramilitary forces, including border guards</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td><strong>Intelligence services</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td>Penal justice</td>
<td>PLAN OF ACTION TO IMPROVE PRISON CONDITIONS, 2003. The aim is that the Plan of Action becomes a reference tool for potential projects to improve prison conditions not only for the Ministry of Justice and its Penitentiary Department, but also for other Governmental bodies (Ministry of Agriculture, Ministry of Health), Parliamentarians, judges, lawyers, NGOs and training institutions involved in the medical, social and human rights fields. The Plan of Action should guide donors and NGOs anticipating involvement in projects designed to reform and improve prison conditions in Moldova. <a href="http://www.apt.ch/europe/Moldova%20Plan%20of%20Action.pdf">http://www.apt.ch/europe/Moldova%20Plan%20of%20Action.pdf</a></td>
<td>APT 2005</td>
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<tr>
<td>Parliamentary oversight bodies</td>
<td>Since the elections of 2001 when the old communist party came in power again, there has been a kind of ‘fallback’ in the democratic process. Since that time, a military career officer has been appointed to minister of Defence instead of a civilian. Among parliamentarians, there is a lack of experience and expertise making it very difficult to hold the government to account in an effective way. <a href="http://www.dcaf.ch/publications/e-publications/Defence_SSG_SSE/D_17.pdf">http://www.dcaf.ch/publications/e-publications/Defence_SSG_SSE/D_17.pdf</a></td>
<td>DCAF 2003</td>
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**References**

DCAF

Police Reform in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies, 2003

DCAF


LM


NATO PA

APT

Association for the Prevention of Torture

http://www.apt.ch/
## Romania

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<th>Sector</th>
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<tr>
<td><strong>Defence force</strong></td>
<td>Romania's Armed Forces continue their restructuring in accordance with ongoing programmes. The Programme Force 2003 and Objective Force 2007, are the plans for them to become more operational and efficient. The future force structure will try to balance forces with financial resources and will comprise active and territorial forces. It will allow a rapid reaction capability in a possible future conflict, which will secure the time needed for augmenting the territorial forces and the intervention of the Allies. Emphasis will be placed on operational mountain troops, paratroopers, aviation, artillery, navy and infantry. The 2002-2003 period (4th MAP cycle) continues to devote resources to the priority areas identified in previous MAP cycles, assuming new objectives that focus on ensuring that Romanian Armed Forces are fully able and ready to assume the responsibilities and accomplish the tasks associated with Alliance membership. Areas of particular importance are: force restructuring and operationalisation, increasing the interoperability with NATO, human resources management, air space management and air defence, participation in NATO-led PfP operations and multinational formations. The process of professionalization of the forces will gradually remove the conscript military service by 2007.</td>
<td>CSEES 2005, NATO 2005</td>
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<tr>
<td><strong>Defence ministry/ General Staff</strong></td>
<td>(No relevant information found)</td>
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<tr>
<td><strong>Police force</strong></td>
<td>In April 2004, the Government enacted a code of ethics for police officers that provide strict rules for the professional conduct of law enforcement agents. The Government created a permanent commission within the MOAI to monitor compliance with the code. The police reform and demilitarisation process continued during the year. In September 2004, the Government issued a decision that would continue reform of MOIA internal affairs and control structures by creating a new Anticorruption and Professional Standards Department within the Intelligence and Internal Protection Directorate. In September, Parliament adopted a law on the organisation and operation of the judicial police, who handle all criminal investigations. The law established a new police structure with double subordination, administratively to the MOAI and operationally to prosecutors trying individual cases. In October 2003, the Statute of the Police Officers was amended by a government ordinance detailing disciplinary actions against police officers, including suspension from active duty during criminal investigations. The Council of Europe has supplied expert assistance for community policing and in 2003, they conducted a police ethics course. The Swiss Agency for Development and Co-operation (SDC) promotes, as part of their programme on justice reform in</td>
<td>US DOS HRP 2004, DCAF 2003</td>
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Romania, community policing. They give training, seminars and workshops to officers.

### Paramilitary forces

(No relevant information found)

### Intelligence services

General Directorate for Intelligence and Internal Protection (MoI) continued to grow in strength to about 2,400 in 2002. Although there are no estimates as to the percentage of ex-Securitate personnel in the DGPI, it is presumed that their numbers continue to be predominant. In July-August 2002, when the police were officially demilitarised, the unit shed its military designation UM 0962. The main competencies of this service, as mentioned in its name, consist of gathering information from the field of criminal activities, using them in the current activities of the structures subordinated to the Ministry of Interior (Police, Border Police, Gendarmerie etc), providing necessary information in the process of criminal prosecution, as well as organisation of intelligence protection of the personnel of the Ministry of Interior.

In December 2002, the Romanian Senate approved a government ordinance setting up the National Registry Office of State Secret Information (ORNISS). ORNISS is a national security authority directly under the PM's control and will oversee the protection of classified information. ORNISS is the Romanian liaison organisation to NATO's Security Office as well as with similar organisations from countries Romania has signed bilateral agreements with regarding the protection of classified information.

### Penal justice

Prison conditions remain harsh. Due to limited space available in the prison system, detainees awaiting trial were sometimes held in the same facilities as convicted prisoners. Conditions were roughly the same for both (same food, types of cells, etc.), but detainees were usually segregated from the general prison population and enjoyed more frequent access to visitors and generally free access to legal representatives. In June 2004, Parliament passed two new laws on prisons: One that modernises the prison term system, and a second, on the status of prison cadres, which requires the demilitarisation of prison staff. PRI’s project “Alternatives to Detention for Juveniles in Romania” aims to promote better social reintegration of minor offenders. It seeks to reduce the number of children receiving custodial sentences by using instead community service and other alternatives to detention. Groups of practitioners and decision-makers in the field of juvenile justice will be trained and will create an implementation plan for community programmes of alternatives to imprisonment for juveniles. NGOs and the local public authorities will work together on this project, which will focus initially on five local communities. Through the capacity building activities of the project (training and supervised practice), the NGOs will play a leading role in applying and adapting alternative measures to the present legal, social and economic realities in Romania.

### Parliamentary oversight bodies

Civilian authorities maintained effective control of security and intelligence organisations, although some concerns were expressed regarding the possible misuse of intelligence agencies for political purposes. Some members of security forces committed serious human rights abuses. Parliament through its two
special Commissions for control of the activities of the Romanian Intelligence Service and Foreign Intelligence Service also the Defence Committees of both Chambers played a limited role in the Security Sector Reform. The lack of enough information and experience of some members of the Committees, of their staffers, the insufficient contacts with similar structures of the Parliaments of the Western countries influenced the result of their activity.

Legal framework

Romania’s new criminal code would enter into force by June 2005, anchoring the legal base to determine criminal liability for legal persons.

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CSEES

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US DOS HRR

US Department of State http://www.state.gov/g/drl/rls/hrrpt/2004/41703.htm

PRI

Prison Reform International http://www.penalreform.org/english/nl50_1.htm#romania
## Russia

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<th>Sector</th>
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<th>Sources</th>
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<tr>
<td><strong>Defence force</strong></td>
<td>In June, the Defence Ministry Collegium and later the Security Council considered a plan for the organisational development of the Armed Forces in the 2005-2010 period. At the beginning of 2004, Russian military manpower was estimated at around 1.2 million. Thus far, it is projected that by 2007, there will be 850,000 servicemen, but there are also plans to downsize the Army and Navy by 2010 to 750,000 and even to 500,000 servicemen. In this scenario, it is proposed to abandon the country's division into six military districts, moving instead to a system of theatre-of-operations strategic commands. According to the Defence Ministry, there could be four such commands. The commander-in-chief of the strategic sector will have under his full command and control all troops deployed on his territory - the Airborne Troops, the Air Force, the Navy, etc. (with the exception of strategic nuclear deterrence forces). A two-year experiment is already under way in the Leningrad Military District.</td>
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<tr>
<td><strong>Defence ministry</strong></td>
<td>A decree issued by President on restructuring the Defence Ministry. The General Staff is to cede operational control of the armed forces to the Defence Ministry and concentrate on strategic planning.</td>
<td>CDI Russia Weekly 2004</td>
</tr>
<tr>
<td><strong>Police force/ Interior Ministry</strong></td>
<td>Since 2001, the Interior Ministry has undergone a series of internal transformations. It was planned an optimisation of the Interior Ministry's central staff, which will be cut by 20 percent. The cuts had to affect mostly support staff and the offices of deputy ministers, whose numbers will be reduced from 11 to three. The central staff had to be trimmed to 2,970. Under a reform strategy that has been discussed for several years now, the Interior Ministry troops have to be converted into a national guard, while the investigation committee would become the basis of a new federal investigation service. Basic police functions should be handed over to municipal police forces, and federal jurisdiction would cover only the most serious crimes.</td>
<td>CDI Russia Weekly 2004</td>
</tr>
<tr>
<td><strong>Paramilitary forces, including border guards</strong></td>
<td>The executive order of President brings Interior Troops back to the old divisional/regimental system that was abolished just 3 years ago, also stating that the decision to drop heavy weapons and combat equipment from the police arsenal was a mistake. The supreme commander ordered that as of January 1, 2006, the Interior Troops must have a numerical strength of 199,800 servicemen. This effectively nullifies the Plan for the Organisational Development of the Interior Troops of the RF Internal Affairs Ministry for the 2001-2005 Period (approved by the president) which in particular provided for their downsizing to 170,000 servicemen.</td>
<td>MN 2005</td>
</tr>
<tr>
<td><strong>Intelligence services</strong></td>
<td>The president has ordered the restructuring of the Federal Security Service and cut the number of deputies to FSB chief from 12 to four. Central staff will also be restructured and salaries for senior officials will be raised. The decree also provides for the establishment of separate sub-services to incorporate existing FSB departments, such as the service's departments for protection of constitutional order and personnel.</td>
<td>CDI Russia Weekly 2004</td>
</tr>
</tbody>
</table>
**Penal justice**

Legislative penal reform in the Russian Federation is gathering momentum. A new Criminal Procedure Code came into force on 1 July 2002. Its implementation reduced pre-trial detention time and established new rights to courts. As a result of the PRI Alternatives to Imprisonment programme there have been amendments to legislation. The Criminal Justice Code was reviewed with a particular focus on the sanctions for theft, which were responsible for about half the prison population. In May 2002, amendments were adopted reducing the length of maximum sentence for theft from three to two years, and removing pre-trial detention as an option for those accused of this offence. It also implemented jury trials in 20 Russian regions. Under a new order of the Ministry of Justice, joint living arrangements for HIV prisoners with other prisoners is now permitted. Five Russian regions including St-Petersburg, Perm’ and Rostov-na-Donu are introducing an institute of social workers and special judges for cases involving juveniles. A draft law “About juvenile courts” had its first reading in the State Duma.


**Parliamentary oversight bodies**

The *Duma*, in theory, provides oversight of the federal budget and adopts laws on various matters concerning defence and on issues of war and peace, but for a variety of reasons discussed the real exercise of these powers are circumscribed. The Russian parliament does not exercise substantive and detailed oversight of security policy and defence. While there is a constitutional provision for parliamentary oversight of the budget countries, in reality this mechanism does not work.

**Legal framework**


**References**

MN Moskow News

http://www.cdi.org/russia/314-1.cfm

PRI Penal Reform International


Johnson’s Russia List  http://www.cdi.org/russia/johnson/8321-3.cfm
### Serbia-Montenegro

#### Defence force

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>The reforms programme were initiated in the autumn of 2003. The 78,000-strong Army of Serbia and Montenegro will be divided into four corps. The Northern Corps will be headquartered in Belgrade, the Corps of the South in Nis and the Montenegro Corps in Podgorica. The fourth, reserve corps, will be composed of professional soldiers. Reportedly, this is conceived as an elite group with no less than 15,000 people. Aircraft and antiaircraft defence corps will be also formed, with an emphasis on the latter. The MoD ministry intends to abolish the present-day system of military high schools in 2004, and keep only the Military Academy as a specialised university institution. The Military Academy will focus on military subjects, and army officers will engage in technical studies at regular universities. Also, special health centres for officers will be closed, but the Belgrade-based Military Hospital, a top-ranking regional medical institution, will continue to operate, offering services to other armies in the neighbourhood. By the end of 2004, a special military social and pension fund will be integrated in the regular civilian fund.</td>
<td>CSEES 2005</td>
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#### Defence ministry/ General Staff

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<th>Sector</th>
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<tr>
<td>Defence ministry/ General Staff</td>
<td>The key change is full subordination of the army General Staff to the Ministry of Defence. Under the new organisational chart, each army officer is the ministry's employee, too. The defence minister tops the pyramid, while special military units, military intelligence and the army inspectorate fall within his jurisdiction. The subordination of the army inspectorate to the defence minister is considered particularly important, since the service, in charge of the control of the army, used to report directly to the General Staff, meaning to those it was supposed to monitor. Different sectors will be established within the ministry, and each of them will account to the minister. The supreme command will become a military sector. A logistics sector will cover military procurement, while the intelligence and security sector will include military intelligence and counterintelligence that will be transformed into agencies. The defence sector will be responsible for defence planning, mobilisation and recruits. All these spheres were until now in the jurisdiction of the General Staff. Two new administrations are also part of the new strategy - defence policy administration will deal with the military strategy, and the other one with international military co-operation.</td>
<td>CSEES 2005</td>
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#### Police force

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<th>Sector</th>
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<th>Sources</th>
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<tr>
<td>Police force</td>
<td>The law enforcement department of the OSCE Mission to Serbia and Montenegro supports police reform to enable the police to function as a fully democratic institution and integrate it with the international policing community. The department also focuses on the establishment and training of a multi-ethnic police element in South Serbia. One of the Mission's major achievements to date has been to train and establish a multi-ethnic police element in the police force of the South Serbian municipalities of Presevo, Medvedja and Bujanovac. Upon completion of their joint training, Serbian and ethnic Albanian police officers are deployed to the existing police force in South Serbia, with the aim of balancing the ethnic Albanian presence in the police structures of these three municipalities. The Mission</td>
<td>OSCE 2004</td>
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<tr>
<td>Topic</td>
<td>Description</td>
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<tr>
<td>Advanced police training programme</td>
<td>Focuses on modern policing techniques and includes generic management workshops. The training is conducted in the National Policy Academy in Belgrade, while there are plans to extend the training to regional centres nation-wide. <a href="http://www.osce.org/sam/13164.html">http://www.osce.org/sam/13164.html</a></td>
<td>OSCE 2004</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards</td>
<td>(No relevant information found)</td>
<td>CSEES 2005</td>
</tr>
<tr>
<td>Intelligence services</td>
<td>The year 2002 brought significant changes to the security and intelligence apparatus of former Yugoslavia. The basis of the reform appeared to be the newly adopted legislation on special services. On 19 July 2002 came into force the Law on the Security-Intelligence Agency (BIA) that has been published in the Official Gazette of the Republic of Serbia. This was a significant moment in the development of local intelligence and security services, because the State Security Department (RDB) was separated from the MUP [Ministry of Internal Affairs] of Serbia and became a separate agency. The BIA is certainly to be less numerous than its predecessor, and the law also envisioned members of the RDB who are not taken over to the agency by the end of October 2002, to be assigned to various places in the MUP of Serbia, which suit their professional skill and working capabilities. The new secret police is to take over the quarters, archive files, equipment, and all means of work of the RDB.</td>
<td>OSCE 2004</td>
</tr>
<tr>
<td>Penal justice</td>
<td>To jump-start the process of reform, the OSCE Mission developed a prison training programme, part of an overall strategy of prison reform set out in 2001. In the short-term, the Mission has been delivering basic training modules to prison security guards. To date, some 500 senior staff and new recruits have participated. The long-term goal, however, is to help the Serbian Ministry of Justice establish its own Prison Training Academy. The OSCE Mission recently opened the general training programme for prison staff to southern Serbia. All staff members of the Vranje Prison, which is in an area where 25 per cent of the inhabitants are ethnic Albanians, participated in a two-week training course. The Serbian Justice Ministry is well on its way to taking over full responsibility for prison staff training. In the meantime, the Mission will carry on with training activities run jointly with the Ministry to maintain the momentum. <a href="http://www.osce.org/sam/item_2_188.html">http://www.osce.org/sam/item_2_188.html</a></td>
<td>OSCE 2004</td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>Legislative oversight in Serbia-Montenegro is under two parliaments. There are different powers in controlling the armed forces (the Serbian legislature deals with police forces, and the Federal legislature with the military). The parliament is not controlling the government. Except for adopting a restrictive military budget, the federal parliament has not made one move to establish its oversight over the military.</td>
<td>DCAF 2002</td>
</tr>
<tr>
<td>Legal framework</td>
<td>The preparation of important systemic documents the Military Doctrine and the Law on the Army were in progress, and that the White Book of Defence has already been completed. <a href="http://www.mfa.gov.yu/Bilteni/Engleski/b310305_e.html">http://www.mfa.gov.yu/Bilteni/Engleski/b310305_e.html</a></td>
<td>MFA 2005</td>
</tr>
</tbody>
</table>
References:

CSEES  Center for South-European Studies  
http://www.csees.net/?page=country_section&country_id=1&sec=8

OSCE 2004  Organisation for Security and Co-operation in Europe  
http://www.osce.org/sam/item_2_188.html

DCAF  ASSESSING DEMOCRATIC OVERSIGHT OF THE ARMED FORCES, 2002

MFA  http://www.mfa.gov.yu/Bilteni/Engleski/b310305_e.html
### Kosovo*

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>(No relevant information found)</td>
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<tr>
<td>Defence ministry</td>
<td>(No relevant information found)</td>
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<tr>
<td>Police force</td>
<td>The OSCE sponsors a Police Training Programme. The objective is to build a truly multi-ethnic, competent, impartial force, respectful of human rights standards, which would have the monopoly of law enforcement. The recruits are being trained in the police academy run by OSCE. The training curriculum includes code of police conduct; use of applicable laws; crime investigation, evidence-gathering and interview techniques; defence tactics; democratic policing, that focuses on loyalty to a democratic legal order; legal affairs; police patrol duties; use of firearms; police skills, including first-aid, conflict intervention and handling of refugees; forensics and evidence; and traffic control. Following the completion of basic training, cadets undergo a twenty-week-long field training with the police officers serving under the KPS and the UNMIK Police. Over the years, the best applicants are selected. The benchmark of 7,300 police officers should be reached by the end of 2005.</td>
<td>OSCE 2005</td>
</tr>
<tr>
<td>Paramilitary forces, including border guards</td>
<td>The former members of the Kosovo Liberation Army (KLA) were integrated in a Kosovo Protection Corps (KPC) which is a civilian organisation in charge of providing emergency relief in catastrophes such as earthquakes, floods, etc. Modelled on the French Sécurité Civile, the KPC consists of an active corps of 3,000 members and an auxiliary branch of 2,000. Ten percent of its members are to be from minority communities. Considered as future army <a href="http://www.unmikonline.org/1styear/kpcorps.htm">http://www.unmikonline.org/1styear/kpcorps.htm</a> The International Organisation for Migration conducts and oversees the training for new KPC members. IOM was tasked to run the training program for 4,000 members in areas such as civil education and human rights, search and rescue, first aid and emergency operations, but also administrative skills, decision-making, logistics, communications and public relations. Most of the money poured into KPC training comes from the U.S. government. The IOM established an Information, Counselling and Referral Service (ICRS) to register all demobilised KLA-some 25,723 former combatants--by November 1999. Of the 20,271 who applied for a position in the KPC, 13,739 chose to undergo a KPC Recruitment Battery Test. The final selection was made by KFOR together with the KPC. The KPC was formally constituted on 21 Jan 2000. The IOM had a multi-pronged approach to the development of the KPC. It established the School of Civil Protection, a long-term &quot;Train the Trainers&quot; program with classes on a variety of subjects, from civil protection</td>
<td>DCAF 2003</td>
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<td>UNMIK 2005</td>
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training to management. It is a permanent institution within TRADOC, which provides the KPC with a Simulation Center, Computer and English Language Labs, Training Aids Support and Publication and Distribution Centres. Beyond formal training, the IOM also implemented an advisory program, embedding international experts at every level of the KPC structure; planned and executed deployments abroad to work and compete with civilian emergency agencies; and supported the KPC with both funds and expertise in humanitarian projects five years after its establishment, the KPC has developed a sizeable track record of interventions in civil emergencies and a positive public image as a professional civil protection organisation.

http://www2.beyondintractability.org/case_studies/civil_alternative.jsp?nid=5302

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<tr>
<th>Intelligence services</th>
<th>(No relevant information found)</th>
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<tr>
<td>Penal justice</td>
<td>Responsibility for Kosovo's prison system rests with the Department of Justice. On 7 August 2003, a new detention centre was inaugurated at Lipjan. Built to European standards and designed to house 240 detainees, the centre became operational in September 2003. <a href="http://www.unmikonline.org/justice/pmd.htm">www.unmikonline.org/justice/pmd.htm</a> - 29k</td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>The Kosovo Police Service is under overseeing of UN-international administration. The Kosovo Protection Corps is under control of NATO KFOR.</td>
</tr>
<tr>
<td>Legal framework</td>
<td>The United Nations appointed very shortly after the beginning of the mission, a number of judges and prosecutors, who had little or no professional experience and who went through too short a training program, to be efficient. <a href="http://www.osce.org/kosovo">http://www.osce.org/kosovo</a></td>
</tr>
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</table>

* Kosovo is under the governance of the United Nations Interim Administration Mission in Kosovo (UNMIK), and NATO (KFOR) protection.

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DCAF DEMOCRATIC CONTROL OF ARMED FORCES AND KOSOVO. SECURITY IN THE ABSENCE OF STATE, DCAF 2001

IOM KOSOVO PROTECTION CORPS KOSOVO PROTECTION CORPS IOM, TRAINING PROGRAM http://www.iom.ipko.org/Projects/kpc/KPCT_Book_English_PDF/01_Forward.pdf


UNMIK UN Mission in Kosovo www.unmikonline.org/justice/pmd.htm - 29k http://www.unmikonline.org/1styear/kpcorps.htm
**Tajikistan**

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<th>Sector</th>
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| Defence force              | No reported reform.  
In the fiscal year of 2004, the US Departments of State, Defence and Commerce provided over $50 million of assistance to Tajikistan. Military assistance in training and equipment constituted an additional $2.3 million. One of the goals of the programme is to modernise communications’ system and structure of the Ministry of Defence.                                                                 | DCAF 2005 |
| Defence ministry           | (No relevant information found)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |
| Police force               | No reported reform.  
In late 2003 the Danish Institute for Human Rights was invited to initiate activities on law enforcement reform within Tajikistan. In 2005 a new two-dimensional programme with a number of sub-projects was formulated dealing with capacity building in the Law Enforcement and Justice Sector. DIHR are looking to develop educational material and implement contextualised human rights courses for the above mentioned sectors aiming in the first round at Judges and Policemen. This product is then scheduled to be adapted towards Prosecutors, Lawyers and Advocates.  
The “Law enforcement capacity building and reform project” takes its outset in a rights-based belief where emphasis is to support the national law enforcement towards a more democratic police service, in terms of strengthening awareness and capacity to work in accordance with international human rights standards. This is done through the development of a human rights manual for teachers at the Police Academy, accompanied by a students textbook and a reference book on national and international human rights. The manual will be implemented into the Police Academy curriculum and activities for training of trainers, to teach in this material, is scheduled. In addition, the human rights manual and textbook are adapted towards Prosecutors, following the same line of activities as above. | DCAF 2004; DIHR 2005 |
| Paramilitary forces, including border guards | An agreement between Russia and Tajikistan on withdrawal was signed in October 2004. The transfer of the border to jurisdiction of Tajikistan and withdrawal of Russian troops is to begin in November 2004 from Khorogh section of the border and proceed to Ishkashim and Kalaikhumb sections in Pamir (Mountainous Badakhshan, or GBAO), handing over 700 km area. Moskovskii and Pianj detachments in the Kulyab area will be put under Tajik control in 2005 and the hand-over is to be completed in 2006. Russia is to transfer all military installations and equipment to the Tajik side. Until the Agreement, the Russian Border Troops numbered some 11,500 servicemen. In reality, only officers are from Russia, while conscript soldiers come from Tajikistan. Russian officers could select conscripts all over Tajikistan: according to the 1993 Bilateral Treaty on the Joint Patrolling of the Tajik/Afghan border, the presence of Russian troops was to be financed 50/50 by Moscow and Dushanbe. However, Dushanbe made only 2.4% of its instalment in 2003 and not more that 5% in the previous years. | DCAF 2004 |
BOMCA (Border Management Programme for Central Asia), initiated by Austria as a follow-up to the Austrian Minister of Interior situation assessment mission to Central Asia, and subsequently designed and financed by the EU with Austria in a lead role, deals with the borders with Central Asian states to provide support to the agencies responsible for border protection. It envisages spending 5 million Euros on Tajikistan in the five years of its operation. A related EU programme is CADAP designed for customs. The EU has signed a partnership and co-operation agreement with Tajikistan in October 2004. Both programmes are implemented by UNDP in co-operation with the governments and other partners.

US Export Control and Related Border Security Assistance (EXBS) program continues to work with Tajik export control officials, customs, and border guards to improve their prevention capabilities against weapons proliferation and other illicit trafficking. [http://www.state.gov/p/eur/rls/fs/35988.htm](http://www.state.gov/p/eur/rls/fs/35988.htm)

**Intelligence services** *(No relevant information found)*

**Penal justice**

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<tr>
<th>Decision to transfer penitentiary system from Ministry of Interior to Ministry of Justice, 2002</th>
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<td>In support of Tajikistan's prison reform, the OSCE Centre conducts activities on alternative sentencing and co-operation between civil society and prison administration. The Centre in Dushanbe has welcomed a moratorium on the death penalty and amendments to the Criminal Code enforced in 2004, and focuses its activities on reinforcing the role of lawyers and the independence of the judiciary in the country. In 2004, over 200 participants from throughout Tajikistan participated in two conferences on these topics organised by the OSCE Centre and the Tajik National Bar Association and the Association of Judges. Other initiatives include training seminars on human rights in pre-trial detention centres and during investigative processes, which attract hundreds of officials from the General Prosecutor's Office and the Interior Ministry.</td>
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**Parliamentary oversight bodies**

| Despite the fact that the security sector looms large in the life of Tajik citizens and in the political system as a whole, individual agencies or their leaderships do not carry significant political weight. In other words, civilian control over the military and other power agencies is firmly entrenched. Anyway, only the President is in charge of security sector oversight. |

**Legal framework** *(No relevant information found)*

**References**

DCAF

TAJKISTAN: EVOLUTION OF THE SECURITY SECTOR AND THE WAR ON TERROR, 2004

http://www.dcaf.ch/news/PfP_Reichenau1104/Matveeva.pdf

DCAF

HUMAN RIGHTS AND CONFLICT IN THE CONTEXT OF POLICE REFORM IN TAJIKISTAN

DIHR

Danish Institute for Human Rights
http://www.humanrights.dk/departments/international/partnercountries/Tajikistan/
## Ukraine

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<td>Defence force</td>
<td>The decision to seek NATO membership has provoked a more intensive reform process. The creation of the NATO-Ukraine Action Plan/Target Plan, which includes specific SSR objectives, was an essential first step. However, there are many passed reform programmes without concrete outcomes. Among them: The 'State Programme of Reformation and Development of the Armed Forces of Ukraine through 2005' (2000). The 'Concept for the Structure of the Armed Forces-2010' (adopted in 2001). The 'State Programme of Transition of the Armed Forces of Ukraine to Manning with Contracted Servicemen' (adopted in 2002). <a href="http://www.uceps.org/eng/show/652/">http://www.uceps.org/eng/show/652/</a>. Ukraine is reforming its armed forces basing the principles of defence efficiency and economy abilities. As the result of the reform, Ukraine is expected to have adjusted to the European model, mobile, multifunctional, properly armed, supplied and trained armed Forces capable of carrying out tasks set under conditions of complete supply. The most important thing on this phase of reformation of the Armed Forces is the optimisation of the number of personnel, structure and means of army and navy manning, release of troops from the tasks they are not to fulfil. From the very beginning of the creation of the Armed Forces of Ukraine the legislation of Ukraine envisaged the mixed principle of manning i.e. by the conscription and by contract. Thus the process of gradual transition to the professional manning of the Armed Forces was started. Professional service is now the part of the system of the reformation and development of the Armed Forces of Ukraine. Manning of the Armed Forces of Ukraine will be performed through the conscription and acceptance to the contract service. This kind of manning will provide the Armed Forces of Ukraine with the great number of specialists able to be trained in the short period. One of the main priorities on the mentioned stage is the creation of principally new sergeants layer. On the first stage, the number of the military servicemen on contract will be increased to 30% from the total number of soldiers, sergeants and sailors and 22% from the total number of the military servicemen. Besides that, peacekeeping forces of the Armed Forces will be completely manned by the military servicemen on contract. 2006-2010: On this stage by means of gradual equipment of the Armed Forces by modern (modernised and new) units of armament, military equipment and assets there will be created conditions for elevation of military potential. [<a href="http://www.mil.gov.ua/index.php?lang=en&amp;part=profession&amp;sub=professional">http://www.mil.gov.ua/index.php?lang=en&amp;part=profession&amp;sub=professional</a> Armed Forces](<a href="http://www.mil.gov.ua/index.php?lang=en&amp;part=profession&amp;sub=professional">http://www.mil.gov.ua/index.php?lang=en&amp;part=profession&amp;sub=professional</a> Armed Forces) The State Programme of the Armed Forces of Ukraine transition towards the manning on contract basis The Program is to be implemented during the period up to 2015 in three phases: 2002-2005, 2006-2010, 2011-2015. It is expected to fulfil the following tasks during the implementation of the Program: reform of the existing system of</td>
<td>Razumkov-Center 2004</td>
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manning units, military educational institutions, facilities etc. The Program is also directed to improve the planning, organisational, financial, economic, educational and other activities of the Armed Forces and relevant executive and control bodies during and after the creation of the professional Armed Forces in Ukraine. 

| Defence ministry | (No relevant information found) |
| Police force | (No relevant information found) |
| Paramilitary forces, including border guards | (No relevant information found) |
| Intelligence services | (No relevant information found) |
| Penal justice | On April 5 Ukraine's Verkhovna Rada approved a new Criminal Code that replaces capital punishment with life imprisonment. Life imprisonment applies only to particularly serious crimes and cannot be used for people under 18 or over 65, or for women who were pregnant at the time the crime was committed or when the verdict was passed. The Code establishes the principle that each person should be considered innocent until proved guilty in a court of law. http://www.penalreform.org/english/frset_region_en.htm |
| Parliamentary oversight bodies | The role of the Parliament is mainly confined to the formal approval of the defence and law enforcement budgets, and the review of bills concerning security structure operations. http://www.bmlv.gv.at/wissen-forschung/publikationen/beitrag.php?id=149 |
| Legal framework | Decree of the President of 07.04.2001 "On Concept of transition of the Armed Forces to the professional manning to 2015" April 2002, the law “On the Military Law and Order Service in the Armed Forces of Ukraine” |

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Razumkov- Center http://www.uceps.org/eng/show/652/
CSRC  Conflict Studies Research Centre  
http://www.da.mod.uk/CSRC/documents/CEE/04%2825%29-GB.pdf

Uzbekistan

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<th>Sector</th>
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<tr>
<td>Defence force</td>
<td>The reform of the armed forces has been going since 1992. The third stage of the AF reforming falls in the period of 2001-2005. This stage of reforming has been aimed at the task sharing of control functions, and operating, strategic planning and battle use of troops, on the one hand, and administrative management by the armed forces, on the other. The function of planning and organisation of interactions shall be realised by the United Headquarters of the Armed Forces, and the Ministry of Defence should undertake executive function as for the governing and administration managerial control over the troops. <a href="http://www.dcaf.ch/pfpc-ssr-wg/Meetings/roma/papers/Mazurenko.pdf">http://www.dcaf.ch/pfpc-ssr-wg/Meetings/roma/papers/Mazurenko.pdf</a> Uzbekistan's Defence Minister, has heralded the reform model for the army's reserve service as unique within the region. In practice, a young Uzbek pays a fee equivalent to 25 times the minimum wage in Uzbekistan in return for exemption from military service. He follows this by serving in a unit for one month. After completing this short training period, he is issued a card confirming completion of service. The process follows the national law on military duty and military service and is the brainchild of President. <a href="http://www.jamestown.org/publications_details.php?volume_id=407&amp;&amp;issue_id=3187">http://www.jamestown.org/publications_details.php?volume_id=407&amp;&amp;issue_id=3187</a></td>
<td>DCAF 2003</td>
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<tr>
<td>Defence ministry</td>
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<td>Paramilitary forces, including border guards</td>
<td>(No relevant information found)</td>
<td></td>
</tr>
<tr>
<td>Intelligence services</td>
<td>(No relevant information found)</td>
<td></td>
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<tr>
<td>Penal justice</td>
<td>To facilitate the reform of the penitentiary system, the OSCE Centre in Tashkent trains prison staff and assists non-governmental organisations that monitor places of detention. It supports the newly established training centre for prison officials and promotes the transfer of prison administration from the Ministry of Interior to the Ministry of Justice. <a href="http://www.osce.org/tashkent/13328.html">http://www.osce.org/tashkent/13328.html</a></td>
<td>OSCE 2005</td>
</tr>
<tr>
<td>Parliamentary oversight bodies</td>
<td>The parliament (Majlis) has no oversight power under security structures or control of the budget. <a href="http://www.dcaf.ch/news/PfP_Reichenau1104/Forster.pdf">http://www.dcaf.ch/news/PfP_Reichenau1104/Forster.pdf</a></td>
<td>DCAF 2004</td>
</tr>
<tr>
<td>Legal framework</td>
<td>In 2001 a new edition of The Law on Defence were adopted. <a href="http://www.dcaf.ch/news/PfP_Reichenau1104/Forster.pdf">http://www.dcaf.ch/news/PfP_Reichenau1104/Forster.pdf</a></td>
<td>DCAF 2004</td>
</tr>
</tbody>
</table>

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- DCAF  THE TERRORIST THREAT AND SECURITY SECTOR REFORM IN CENTRAL ASIA: THE UZBEK CASE, 2004