Prepublication praise for *Combating Serious Crimes in Postconflict Societies*

Modern societies are plagued by violent crimes but manage to cope because of their functioning social structures, particularly their law enforcement, judicial, prosecutorial, and correctional systems. Yet more important is the fact that the normalcy of life reinforces the unwritten social contract that holds society together. In societies torn by conflict or emerging from conflict, where violence is the norm and self-help the way in which people interact, both the volume and the seriousness of violent crimes increase while the social contract unravels. Such societies not only find their security and stability imperiled but also confront enormous obstacles in attempting to restore order, democracy, and the rule of law—without which normalcy cannot return.

Experience in various postconflict situations suggests that intergovernmental organizations, as well as governments eager to assist, more often than not reinvent the wheel when searching for elementary tools with which to combat violent, destabilizing crimes. Those organizations and governments would be wise to turn to this handbook instead, for it offers policymakers and practitioners an invaluable combination of breadth of coverage, pragmatic focus, and wealth of experience. Brimming with experience and brilliantly edited, this volume is truly a useful tool.

— **Cherif Bassiouni,** Distinguished Research Professor of Law and President, International Human Rights Law Institute, DePaul University College of Law

This groundbreaking publication will be an invaluable tool in the hands of those facing the challenges of restructuring postconflict societies. Put together by seasoned practitioners and distinguished scholars, it explains what approaches have and haven't worked, discusses the kinds of resources required, and provides a rich fund of practical examples and references.

The book's authors, like others who have worked in the field, understand that the rule of law is the core of any modern state, enabling institutions to function effectively and all citizens to seek redress for their grievances. Without the rule of law, society cannot function. This book should be on the desk of every chief of mission and international official tasked with rebuilding societies traumatized by conflict.

— **Jacques Paul Klein,** former Chief of UN Operations in Croatia, Bosnia and Herzegovina, and Liberia

It has long been my strong contention that serious and organized crime is one of the most serious problems we face in the world today. Eighty percent of the world's conflict is intrastate, and most intrastate conflict is characterized by crime.

At last, a small group of heroic individuals, with the unwavering support of the United States Institute of Peace, have persuaded experts on transnational and serious crime to explain the lessons of their work; the techniques they employ; and the values, structures, systems, and skills that are crucial to the effective prevention of serious crime. Together, they have created a repository of knowledge hitherto longed for but never before accessible in tangible form.

Combating Serious Crimes is the product of years of patient and diligent work, and the outcome is a truly outstanding contribution to law enforcement capacity- and institution-building. Whilst practitioners will find themselves scribbling notes alongside the text of this invaluable book, political decision makers should also keep the book close to hand as a reminder of the need to plan for the long term and to ensure that financial, human, and equipment resources are adequate to the task of rebuilding post-conflict societies.

— **Richard Monk,** former Commissioner of the UN International Police Task Force

A very comprehensive, thoughtful, and authoritative analysis of strategies for tackling serious crimes in postconflict environments. With its extensive use of examples from recent postconflict experiences and an impressive holistic approach, *Combating Serious Crimes* is an invaluable resource and must-reading for policymakers, scholars, and practitioners alike.

— **Lieutenant General David H. Petraeus,** U.S. Army,
who has served in Iraq, Bosnia, and Haiti

Time and again we intervene with military force, but while we may suppress the conflict we fail to resolve the underlying confrontation and our militaries remain in Bosnia, Kosovo, Afghanistan, and Iraq. We fail to translate military security achieved by force of arms into civil security achieved by the rule of law. This book provides guidance to those responsible for forming the institutions and structures to bridge the gap between ending the conflict and leaving a viable civil society. It should be required reading for policymakers and practitioners alike.

— **General Rupert Smith,** former Deputy Supreme Commander in NATO
during the Kosovo crisis and former UN commander in Sarajevo

Combating Serious Crimes in Postconflict Societies

Combating Serious Crimes in Postconflict Societies

A Handbook for Policymakers and Practitioners

Edited by
Colette Rausch

Written by
Elaine Banar, Kristen Fennel, Adalbert Gross, Michael E. Hartmann, Deborah Isser, Andrew Mackay, Vivienne O'Connor, David C. Ralston, and Colette Rausch

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Foreword

Paddy Ashdown
Former High Representative, Bosnia and Herzegovina

When, in 2002, I first arrived in Bosnia and Herzegovina as the high representative of the International Community and the special representative of the European Union, it was apparent to me that the biggest threat to peace and security was the grip that organized crime had on the country. My priority was therefore to establish mechanisms to combat this plague. We struggled to put into place a new legal framework, establish a credible and independent court to handle sensitive cases, and create a police force capable of countering organized crimes.

I wish that *Combating Serious Crimes in Postconflict Societies: A Handbook for Practitioners and Policymakers* had been available to me when I arrived in Bosnia and Herzegovina. The knowledge and experience captured in its pages would have been invaluable to us as we sought to establish the rule of law in that country and help it toward its proper place in the Euro-Atlantic family. But until the publication of this book, there was very little literature on the issues it addresses and almost nothing that married the firsthand experience of practitioners with first-rate scholarship.

Tackling what the authors of this handbook call "serious crimes"—including organized crime, ethnic or religious violence, and terrorism of a variety that can upset the establishment of a viable postconflict peace—requires a great deal of specialized know-how, political will, and time. What differentiates the category of serious crimes from the types of organized and violent crime found in all countries is its potential destructiveness to an already vulnerable social fabric. During my term as the high representative, I learned firsthand about the threat posed by such criminal activity in postconflict countries. It is often connected with wartime elites that remain empowered after the war and those who receive patronage from them. This political-criminal nexus makes the problem all the harder, and all the more important, to confront head-on. To do so effectively, policymakers and practitioners need not only determination, dedication, and political backing but also the proper tools and resources.

International efforts to stabilize countries emerging from conflict have multiplied rapidly in the past decade, and there is now a wealth of

experience on which to draw. While there can never be a simple, off-the-shelf approach to establishing the rule of law in postconflict societies, to ignore the experience of previous efforts elsewhere is to needlessly complicate the peacebuilding task of the international community and to recklessly endanger the future of societies and peoples emerging from conflict. This handbook contains many of the lessons learned in places such as Afghanistan, Bosnia, Iraq, Kosovo, Liberia, and Sierra Leone and draws as well from experience combating serious crimes in countries such as Italy, the United Kingdom, and the United States.

One such lesson is that institutional problems must be confronted—and confronted promptly; options do not improve with time. In the case of Bosnia and Herzegovina, the links between organized crime and official corruption are particularly strong and significantly retard the country's ability to reenter the European mainstream. There are close ties among those who protect war crimes indictees, smuggle goods, traffic in persons, and commit a host of other illicit activities. The fact that efforts to curtail these activities were not launched earlier in the international community's engagement has lengthened our stay considerably.

Future policymakers and practitioners will refer to this work, the first of its kind, to help them in their efforts to transform the absence of war into a peace under law. Written by people who have themselves engaged in the struggle to combat serious crimes, it offers insights that could be gleaned only from on-the-ground practice. At the same time, the authors are keenly aware of the overarching policy requirements involved in developing and implementing a strategy aimed at reducing serious crimes to a level at which domestic democratic institutions can tackle it effectively.

I commend the United States Institute of Peace for the effort it has put into pulling this book together, and for its numerous other activities to assist policymakers and practitioners in their work to establish durable postconflict peace. The Institute performs a valuable service in turning lessons learned in the field into tools for rebuilding the rule of law in postconflict environments.

I commend, too, the men and women who have contributed their wisdom to this volume. Judges and scholars, police officers and military officers, prosecutors and defense counsel, government ministers and human rights lawyers: together, they have created an invaluable resource for those who will follow in their footsteps, sharing the same determination to make the world a more peaceful and a more lawful place.

Acknowledgments

The origins of this book lie in 2002, when the Rule of Law Program of the United States Institute of Peace assembled a small team of practitioners who were directly involved in efforts to tackle serious crimes in Kosovo. I am forever grateful to the original members of the Serious Crimes Working Group—Elaine Banar, Adi Gross, Michael Hartmann, Andrew Mackay, and David Ralston—whose vision shaped this handbook and whose passion and perseverance saw it through to completion. Their experiences with serious crime and their knowledge of the havoc it wreaks on societies emerging from conflict drove them to volunteer countless hours of their scarce time to help put this handbook together.

I also want to thank Kristen Fennel, Debbie Isser, and Vivienne O'Connor, who graciously allowed themselves to be recruited into the group as authors. Without their expertise, keen intellects, and abilities as writers, the handbook would not have moved forward. I am grateful to Vivienne not only for the mind-mapping skills that helped organize this book but also for the gift of her friendship.

Our development editor, Nigel Quinney, deserves particular mention. He became part of our serious crimes family and working with him was a wonderful experience. He could always be counted on to deliver witty phrases to make me laugh and encouragement at times when it seemed our endeavor would not make it to fruition. I also wish to acknowledge Neil Kritz, director of the Rule of Law Program and associate vice president of the United States Institute of Peace, for his invaluable and unwavering support and encouragement. Chrissy Hoffman and Christian De Vos—respectively, senior program assistant and research assistant in the Rule of Law Program—were always there for "just one more" task, even though one always turned into many. Kurt Basseuner provided keen political insight and support, for which I am very grateful.

Over the course of three years and numerous meetings, no fewer than forty experts contributed to the development of this handbook. They were drawn from a remarkable array of professional backgrounds: scholars, legal specialists, police officers, military personnel, judges, prosecutors, defense counsel, intelligence experts, prison and security personnel, policy advisors, human rights advocates, and representatives of international organizations. The range of countries in which they had worked to combat serious crimes was equally impressive: Afghanistan, Bosnia,

Burundi, Cambodia, the Democratic Republic of the Congo, East Timor, El Salvador, Haiti, Iraq, Liberia, Nepal, Serbia, and the Solomon Islands. To every contributor to this volume, I extend my warm and sincere thanks. Your willingness to share your expertise and insights with us has given the handbook a depth and breadth that it would not otherwise possess.

I am also grateful to those agencies and offices of the United Nations and of various governments that allowed their staff to attend meetings and otherwise contribute to the development of this handbook. Those organizations include the UN Office of Drugs and Crime; the Office of the High Commissioner for Human Rights; the UN Mission in Kosovo; the UN Mission in Sierra Leone; the Irish Centre for Human Rights; the U.S. Department of Justice in Washington, D.C.; the U.S. Attorney's Office in the Eastern District of New York; the police department of North-Rhine-Westphalia, Germany; the Department of Justice in Bari, Italy; the Ministry of Justice in Liberia; the Greater Bochum Police Department in Germany; the High Court in the Palestinian Authority; the High Court of Fiji; and the Faculty of Criminal Justice and Security Studies of the University of Marbor, Slovenia.

Special acknowledgement is due to the 52 Infantry Brigade of the British Army, which graciously hosted two of the vetting meetings at its base at Edinburgh Castle in Scotland.

Finally, I wish to thank Patrick and Calvin Dunn, who tolerated endless evenings and weekends at home while I sat with my computer in my lap and my mind on serious crimes.

Everyone who has worked on this volume has wanted it to be a practical and useful tool for those who endeavor to build sustainable peace. We hope that it will make some contribution, no matter how modest, to the creation of a world guided by the rule of law and to the establishment of a peace that will last far longer than the ink on these pages.

COLETTE RAUSCH
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Authors and Contributors

Editor

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Michael Platzer worked for thirty-four years in the United Nations in a wide variety of capacities. At the UN Office of Drugs and Crime, he was officer in charge of the Criminal Justice Reform Unit and the Rule of Law Section, which included the Global Anti-Corruption Programme. He was also a member of the Secretary General's working group on the Rule of Law. He has designed and/or managed criminal justice reform and peace-building projects in countries throughout Eastern Europe and Africa.

David Reddin was commissioned into the British Army's Legal Services in 1984 and subsequently served in Germany, Cyprus, Northern Ireland, and Angola. From 1995 to 1997, he served in Bosnia as legal adviser to the Allied Command Europe Rapid Reaction Corps (the land component of the NATO-led Implementation Force [IFOR]); in 1998, he became legal adviser to the British Contingent Commander of KFOR in Kosovo; and, in 2002, he was legal adviser to NATO's International Security Assistance Force (ISAF) in Afghanistan. He retired from the British Army in 2002.

Ali Saleem works with the UN Office of the High Commissioner for Human Rights in Nepal, where he has also worked for the UN Development Programme. Previously, he was project coordinator and UN liaison officer for the Asian Human Rights Commission and Asian Legal Resource Center in Hong Kong. He has also served with the United Nations Mission in Bosnia and Herzegovina, the UN Department of Peacekeeping Operations in East Timor, and the Office of the High Commissioner for Human Rights in Geneva.

Giuseppe Scelsi began working in 1982 as a monocratic civil and criminal judge for the Department of Justice in Bari, Italy, where he is now a deputy prosecutor in the Office of the Public Prosecutor. He has worked

in cooperation with the European Anti-Fraud Office of the European Union and the Senate and House of the Italian Republic's Mafia Organized Crime Commission. He has taught at the University of Bari and served on the Task Force on Trafficking in Human Beings.

Govind Prasad Thapa is a retired additional inspector general of Nepal police. His police career spanned more than three decades, during which time he conducted several successful investigations of organized crime, developed strategies for improving the criminal justice system, and helped establish women's and children's services centers within the police force. He has also served as a consultant to several UN agencies (including UNHCHR and UNICEF), the UK Department for International Development, the Human Rights and Good Governance Advisory Unit (Danida/HUGOU), and the International Organization for Migration.

Horst Tiemann is head of Germany's Greater Bochum Police Department, a position he has held since 1999. He has more than thirty-five years' experience working for the German police in various capacities, including investigating serious crimes, training and recruitment of SWAT teams and crisis negotiators, and managing police operations in districts with ethnic minorities. In 1996 he served as a regional commander and director of special projects with the International Police Task Force (IPTF) in Bosnia and Herzegovina, for which he received a UN Medal of Service.

Catherine Volz has worked for the United Nations for sixteen years, assisting states in ratifying and implementing international drug control treaties and, more recently, the UN Convention against Transnational Organized Crime and its protocols and the UN Convention against Corruption. She is currently the chief of the Treaty and Legal Affairs Branch of the UN Office of Drugs and Crime (UNODC). She was a senior trial attorney with the U.S. Justice Department from 1980 to 1989.

Abla Gadegbeku Williams, who began her career as a Liberian police officer, is a lawyer and currently deputy commissioner of immigration and naturalization. Before this, she served as deputy minister of justice for legal affairs within the Liberian Ministry of Justice. She handled administrative hearings and complaints to establish prosecutable evidence, assisted in the prosecution of cases brought by the government, and provided legal opinions to Liberia's attorney general. She is also the second vice president of the Association of Female Lawyers of Liberia, which advocates for the rights of women, children, and the indigent.

Justice Gerard Winter sits on the bench of the High Court of Fiji. A lawyer from New Zealand with extensive experience in international law in Asian South Pacific and Eastern European countries, he has contributed to numerous law reform missions, including the UN-inspired Model Codes for Postconflict Criminal Justice Project. He has served as secretary for the Criminal Law Section of the International Bar Association and with the New Zealand Law Society.

Combating Serious Crimes in Postconflict Societies