

report states that there is a lack of respect for the "rules of the road" (the Rome Agreement).

Under the heading of administration of justice, the report states that the situation of the judiciary in both entities is characterized by problems inherent in an ethnically-divided country and a justice system in transition. In this regard, the report notes that in the Federation a draft Code of Criminal Procedure and a Criminal Code consistent with the European Convention on Human Rights has been prepared while, in the Republika Srpska pre-war criminal and criminal procedure codes are still applicable and that there appears to be little effort to amend these laws. The report summarizes differences in the systems of administration of justice between the two entities and states that lack of qualified legal staff and financial resources remains one of the most serious problems facing both judiciaries.

Commentary on the independence of the judiciary states that neither the Republika Srpska nor the Federation has satisfactorily upheld this principle and reviews practices and decisions in the two entities that remain obstacles to guarantees of judicial independence, including problems arising from the manner in which judges are appointed. The report cites violations of the right to fair trial, again in both entities, through such practices as expedited trials, presentation of dubious evidence, absence of effective legal counsel, and violations of the right to legal counsel. The report also notes that the virtual absence of inter-entity judicial cooperation remains one of the most urgent problems of the judiciary, since it results in violations of international human rights standards guaranteed by the Constitution of Bosnia and Herzegovina. Various matters such as serving of subpoenas and obtaining evidence across inter-entity boundary lines, as well as the admissibility of members of the bar from one entity to practise in the other, are identified as further obstacles to due process and fair trial principles, particularly in the context of domestic war-crimes trials and trials with defendants from an ethnic minority. The report further notes that many trials have been repeatedly postponed or adjourned to facilitate the examination of witnesses living in the other entity, whose presence had been requested by the defendant, and some trials have even been completed without proper interrogation of witnesses.

The narrative on law enforcement and police reform states that the role of the police should be to support democratic institutions and protect human rights and fundamental freedoms for all individuals. Further to this, the SR states that the police forces have failed to act in accordance with these fundamental principles and are responsible for serious human rights violations committed during and after the conflict. The SR further states that the authorities of the Republika Srpska and the Federation are legally bound to take all possible measures to improve the standard of the police force. The report notes a number of points, including that: the International Police Task Force (IPTF) is conducting a programme of restructuring of the police by to improve standards and reduce the size of police forces to approximately one

police officer per 250 to 300 citizens; in April 1996, the Bonn-Petersberg Declaration on the reform of the police was agreed between Croat and Bosniak representatives of the Federation, under this agreement those persons who were not selected to serve as police in the restructured Federation police force will not be allowed to perform law enforcement duties or permitted to carry arms; the authorities must redress the serious lack of women officers in the Federation police forces; the IPTF has undertaken a Certification Process made up of three phases — which includes a two-day training session about democratic policing, a four-week training course for persons on the final eligibility list, leading to issuance of provisional police certificates, and an issuance of a permanent certificate within one year, for candidates with appropriate educational background, no criminal record, no record with the ICTY, valid citizenship of Bosnia and Herzegovina, no record of non-compliance — e.g., maintaining illegal checkpoints, refusal of access to police stations — and who are not responsible for any human rights violations; the main obstacle to restructuring has been disputes concerning the ethnic composition of each cantonal police force; as of the end of August 1997, any remaining police forces in the Federation not certified by IPTF were to be considered illegal and subject to dismantling by the International Stabilization Force (SFOR); in the Republika Srpska, difficulties were encountered in distinguishing between the army and police forces and no final agreement between authorities in Republika Srpska and the IPTF had been reached on the restructuring of the police forces; and, the Special Police forces in the Republika Srpska were classified as military forces under Annex 1-A to the Dayton Agreement because of their arsenal and training.

On the question of freedom of expression, the report states that violations of freedom of expression remain common, as reflected in the high number of cases brought before the OSCE Media Experts Commission. Reported incidents ranged from intimidation by authorities to less frequent instances of physical violence against journalists. Specific problems and violations are noted including, *inter alia*: there remained obstructions to freedom of movement for journalists, limiting the scope of reporting and impairing objectivity, exacerbated by lack of telecommunications links between the two entities; only publications presenting the political views of those holding local power were available; violations against journalists included threats of suspension, actual suspensions, confiscations of material and beatings by police; and violations of international standards also occurred in the unprofessional conduct of some journalists who broadcast or published hate speech.

On the situation of media in the Republika Srpska the report notes that broadcasting was mostly controlled by SDS supporters with the few stations that tried to remain independent often subjected to pressure. Municipal authorities could block access to transmission facilities at any time and there was more pluralism in the print media than broadcasting, with several independent magazines available. These independent magazines depended