

Third World Legal Studies

Volume 14 *The Governance of Internal Security Forces
in Sub-Saharan Africa*

Article 2

1-2-1997

INTWORLSA President's Report on the Addis Ababa Seminar: Human Rights and the Police and Internal Security Forces in Certain African Countries

Abdullahi A. An-Na'im

Follow this and additional works at: <http://scholar.valpo.edu/twls>

Recommended Citation

An-Na'im, Abdullahi A. (1997) "INTWORLSA President's Report on the Addis Ababa Seminar: Human Rights and the Police and Internal Security Forces in Certain African Countries," *Third World Legal Studies*: Vol. 14, Article 2.
Available at: <http://scholar.valpo.edu/twls/vol14/iss1/2>

This Article is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Third World Legal Studies by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at scholar@valpo.edu.

THIRD WORLD LEGAL STUDIES – 1996-97

INTWORLSA President's Report on the Addis Ababa Seminar

HUMAN RIGHTS AND THE POLICE AND INTERNAL SECURITY FORCES IN CERTAIN AFRICAN COUNTRIES: A REPORT ON THE ADDIS ABABA SEMINAR

Abdullahi A. An-Na'im*

Despite the fact that police and other internal security forces (ISFs) are directly responsible for massive and gross human rights violations in many parts of the world, very little has been done to examine the law providing for their structure, management and governance. The conduct of ISFs in many Third World countries affects more people in their everyday lives more seriously than any other organ of government. It also may profoundly affect the prospects for the democratization of civil societies, the building of social capital and social harmony between different groups. Moreover, lawless secret and para-military security forces which are established, trained and armed to serve oppressive regimes often take on a life of their own and survive the demise of those regimes, a phenomenon illustrated by the cases of the Phillippines, Cambodia, South Africa, Haiti and other parts of the Third World. Lawless ISFs can become serious sources of continuing instability and violence, threats to the very states that established them. Human rights scholars and activists must do more to identify and understand the underlying causes of abuses by ISFs and the inadequacy of existing laws which are supposed to govern them, and to address the urgent need to enhance the efficacy of national constitutions, legislation, administrative mechanisms and international human rights instruments as measures to control ISFs.

With these considerations in mind, the International Third World Legal Studies Association (INTWORLSA) developed a project to study and critique the efficacy of existing legal regimes and

* Professor of Law, Emory University, Atlanta, GA , USA, Past-President of the International Third World Legal Studies Association and Coordinator of the INTWORLSA project.

mechanisms of accountability, and where necessary to propose legal changes mandating reforms.

The history, concept and objectives of this project are more fully discussed in Professor Paul's "Introduction" to this volume. An earlier collection of papers generated by the project was published in *Third World Legal Studies- 1990: Police and Security Forces and Human Rights in the Third World*.

The project's origin lay in a series of international seminars (organized by INTWORLD) during the latter '80s on "Developing Constitutional Orders in Sub-Saharan Africa (SSA)." In a report on themes which emerged from this series of seminars, Professor Paul noted that much discussion centered on the problems of defining the position and constitutional role of the military in a political order governed by constitutionalism [a political order which values law and uses it to promote participation in governance, respect for universal rights and to secure the accountability of the state, and all of its officialdom, to that body of law].¹ These discussions considered the nature of armies and police forces in SSA, the causes of lawless policing and military coups, the effects of military and authoritarian rule and the need to redefine the roles of the military and the police and reconstitute them in ways which might better serve the objectives of a democratic constitutional order. Discussion of these matters revealed inadequacies in our understanding of the existing legal regimes which have actually governed the creation and management of the security forces and their operations. This ignorance, coupled with the questions whether and how the military and police should be put under a much more comprehensive and rigorous rule of law, generated the present project. Because the police and military have figured so prominently in the failures of "constitutionalism" in Africa, we deemed it particularly important to bring the project to Africa.

I. BACKGROUND OF THE ADDIS ABABA SEMINAR

The Addis Ababa seminar was organized to develop detailed studies documenting and analyzing the law – or absence of law -

¹ See Paul, "Developing Constitutional Order in Sub-Saharan Africa: An Unofficial Report," *THIRD WORLD LEGAL STUDIES - 1988: Building Constitutional Orders in Sub-Saharan Africa* 25-29.

regulating the governance and accountability of police and internal security forces in selected African countries, within a framework of standards suggested by international human rights norms.

In particular we desired country studies which, in the ideal, would focus the legal structure of military and all other ISF units vested with police functions and powers (notably powers to arrest and detain). Detailed instructions for paper-writers along with a proposed agenda for the seminar were sent in advance to each invitee, and each was asked to indicate his/her interest, capacity and willingness to prepare a report responsive to these guidelines. We suggested that priority be given to the National Police Force(s) if time and resources prevented a complete coverage of all ISFs.

These "terms of reference" are annexed to this report so that readers may better appreciate the main focus of the research we sought, the particular subjects to be explored. It will be noted that these guidelines called for a detailed report on the law (as laid down in the constitution or some other source, such as legislation, regulations, manuals and longstanding custom) relating to subjects ranging from who has the power to create, finance, empower and regulate each ISF to principles and rules governing recruitment, training and discipline, to institutions and processes to impose accountability on commanders and all lower ranks to the law. A focus on law dealing with these subjects - or more likely, the absence of a meaningful body of law - was a priority objective because there exists so little literature on these subjects in respect to SSA countries. But of course the emphasis on law - and particularly the absence of law - was to be complemented by discussions of the histories of the establishment of ISFs and of their social and ethnic composition, acculturation, perceived mission, and behavior and the roles they have played in politics and governance of the state and in the political economy. Obviously the law we sought to examine must be put in a broader social context, but here again most participants reported a dearth of useful literature.

Finally, writers were asked to discuss legal and other measures which they deemed to be of paramount importance in transforming and reforming ISFs to the end that they could become organs of government which would support the goals of democratization, respect for rights and the rule of law.

For this purpose each writer was furnished with a copy of the proposed Code of Principles and of a paper by Professor James Paul which he had submitted to the Constitutional Commission of Ethiopia at its invitation and which is reproduced in this volume.

To identify local partners and researchers we wrote to more than forty NGOs in eight Sub-Saharan African countries, and to many individual researchers throughout the region. The primary criterion for selecting NGO partners was a combination of capacity to prepare useful studies and willingness and ability to follow-up proposals and recommendations arising from the Addis Ababa seminars. Unfortunately none of the NGOs contacted in Francophone countries indicated an interest in, or capacity to, participate. In any event, limitations on our resources forced us to limit our focus to a limited number of Anglophone countries. In due course, an appropriate number of NGOs and researchers committed to the project were identified and invited to prepare papers in accordance with pre-agreed guidelines. Several international and regional organizations and institutions were also invited to attend the meeting as observers.

II. THE SEMINAR

After a long period of planning, letter-writing and efforts to secure funding, INTWORLSA was finally able to convene the seminar in Addis Ababa, in March 1995, thanks to the cooperation of the Ethiopian Human Rights and Peace Center of the Faculty of Law, Addis Ababa University, and InterAfrica, a very active and effective regional NGO based in Addis Ababa. Funding for the whole project was provided by a generous grant from the Swedish International Development Agency (SIDA).²

The project was able to commission fifteen researchers from human rights NGOs in nine countries to prepare reports and studies; but by the time the workshop convened in March 1995, only thirteen papers were presented and discussed.³ The agenda of the workshop

² I acted as coordinator for this project, but most of the systematic work in administration and organization was done by Ms. Sonia Cruickshank and Ms. Helen Ko at INTWORLSA's Secretariat in New York. Professor James Paul prepared the concept paper and terms of reference for paper-writers.

³ Confirmed participants included representatives from some fifteen African human rights NGOs based in Eritrea, Ethiopia, Ghana, Kenya, Namibia, Nigeria, South Africa, Uganda and Zimbabwe, but the

consisted of detailed examination and discussion of the country reports and thematic papers which examined the law (and most notably the lack thereof) in each country. These reports did indeed examine such questions as who creates, controls and directs different ISFs; the recruitment, composition, training and discipline of their personnel; the adoption and enforcement of codes of conduct to ensure conformity to human rights and other basic standards. Papers also examined issues of discipline and accountability to official organs and civil society at large. Authors of reports and papers, and discussions at the workshop drew on the work of Professor James Paul, particularly the draft code of universal principles.

The morning of the first day, following welcoming remarks and my discussion of the concept and main themes of the project, two general papers were also presented: one on the theoretical framework of the subject (by Andreas Eshete of InterAfrica Group) and another on the need for an international code of universal principles to govern the organization, structure and governance of ISFs (by James Paul but presented by me). The concept and objectives of the project, and the agenda of the seminar were confirmed by all the participants.

For the rest of the first day, and the whole of the second day (Saturday March 11) country reports from Ethiopia, South Africa, Ghana, Nigeria, Uganda, Kenya and Zimbabwe, were presented by authors and discussed by all participants. The purpose of those discussions was two-fold: to assist each author in revising his/her draft in accordance with common guidelines and to draw out common themes, recommendations and proposals for follow-up activities by all participants so that the seminar could function as a continuing group concerned with human rights and the governance of police and internal security forces in Sub-Saharan Africa.

During the second day also, the workshop reexamined, section by section, the draft code of principles prepared by Professor Paul and distributed in advance to all participants. While endorsing the draft code as a whole, the workshop made some specific recommendations on various aspects and suggested that this document should be

participants from Namibia and Eritrea were at the last minute unable to come, and did not send papers. There were also some local and international observers from Amnesty International, Human Rights Watch/Africa (formerly Africa Watch), the International Commission of Jurists, Nairobi, and the Ford Foundation's Nairobi office.

discussed at subsequent workshops in various regions of Africa. The whole of the last day (Sunday March 12) was devoted to discussions of strategies and recommendations for subsequent action, in addition to finalizing draft conclusions, dissemination and follow-up activities.

III. THEMES OF THE DISCUSSIONS

A main theme that emerged in various sessions is the obvious tensions created by the introduction of western style armies and police organizations into Sub-Saharan politics: namely, the perceived conflict between the need for effective security structures in SSA states, on the one hand, and the need for protection of the rights of citizens on the other. Several participants expressed appreciation for the grim reality of this tension in Africa, but emphasized that a clear choice and commitment must be made, both by the formal constitution and by civil society, as to which of these competing concerns shall take priority.

One participant noted that this tension was ancient: it was discussed by Plato who assumed the need for a military caste as essential to the well-organized state and then discussed whether a good soldier can be made into a good citizen. The psychological traits and disposition required for effective military and security action such as zeal, intensive discipline, ability and willingness to use force, can only be indoctrinated by teaching that soldiers and police, in doing their jobs, cannot be expected to exercise the compassion expected from a good citizen. Those who hold this view today are committed to conceptions of security and law and order as more valuable common goods than human rights and rule of law.

From this perspective, security personnel have an obligation to be prepared to risk their lives, to act decisively - and ruthlessly - whenever necessary. They must be physically and psychologically trained and conditioned to do whatever it takes to accomplish their specific tasks and general mission. This orientation tends to create a feeling that they are entitled to the prerogative of acting in ways not open to the ordinary citizen, which in turn sustains an internal sense of both solidarity and institutional impunity among the rank and file as well as the leadership of security forces. They see themselves as

“well-trained dogs” whose job is to obey their “masters,” the ruling officials of the state, rather than the public at large. The peculiar disposition and self-perception by security forces that they are the warrior class of society also encourages secrecy and discourages a disposition to be accountable to external bodies or persons, especially those deemed by the security community to be insensitive to the demands of effective law enforcement and protection of the state and society. This warrior culture opposes calls for transparency of, and external accountability for, the work of ISFs because this type of governance will threaten their safety and compromise their professional competence.

Some participants recognized the existence of this culture. They believed the first remedy, if rule of law is to be the transcendent value, is a new kind of training for ISFs, and transformation of their institutional cultures and traditions, to reconcile the usual orientation and values of security personnel with the more humane concerns of human rights and a free society. For example, the concept of common good - the goals of security - should be understood to incorporate due regard for the dignity and rights of all people, including accused persons, rather than the attainment of the security of the government of the day at any cost. This is more consistent with the principles of popular sovereignty as the justification and rationale of the state. Just as the security of the polity can no longer be equated with that of a monarchy or ruling class, so all rights necessary for peaceful political dissent and an active civil society should be understood to be part of the very concept of “security” to be protected by ISFs in a modern well-governed nation state. Establishing accountability of ISFs to human rights standards is therefore simply part of a political system that enables society to judge acceptable and unacceptable conduct by all officials and agencies of the state, and hold them accountable. As internal standards of legitimacy for the state, a human rights paradigm stipulates what the state and its organs and agents, including ISFs, may and may not do.

But others pointed to the ambivalence of civil society itself about the rights of persons suspected or accused of crime. Whereas people and their popular organizations may be outraged at police corruption, or abuse of power against “innocent” persons, they sometimes seem to

be more tolerant of pressuring the “guilty” to confess, or willing to accept that “guilty” persons “deserve” mistreatment by the police. Especially during periods of high crime rates and widespread, personal insecurity, societies tend to tolerate police excesses on the assumption that the alternative is to risk allowing the guilty to escape punishment on a “mere technicality” and crime to thrive. The challenge here is to educate, not just the police, but the public at large, and to transform popular perceptions of right and wrong to the extent they are inconsistent with international standards of due process of law. What is needed is a culture that values human rights as embodying paramount values to be protected at all costs.

Some participants raised the difficulty of encouraging people to confront abuses of power by ISFs where there is a long tradition of submission to authority and acceptance of mistreatment by officials of the state as an inevitable part of politics and governance. Moreover, activists could face a serious ethical dilemma when they encourage people to protest without being able to offer them sufficient support and effective remedies when the police turn against them. Oppressed people often learn from cruel experience to resist in more subtle ways rather than risk retaliation by openly confronting their oppressors. A premature call to open resistance to abuses of international human rights standards may only lead to more repression of civil society- and thus be counter-productive at least in the short-term. On the other hand, it was noted that struggle and sacrifice have, historically, been the means whereby human rights become established in particular societies: a rights culture can only grow out of historic struggles.

Another general theme was the need to understand the socio-political environment under which ISFs operate in different African countries. One focus was the tendency toward corruption. Is this simply attributable to poor conditions of service and pay? One participant commented that the motivations and processes of systematic corruption are more complex than that. They stem from conditions of lawless governance. There was agreement that a code of conduct as a central element of training, accountability and perception of mission was a key strategy of reform.

Another issue regarding context and general environment was raised: how can one speak meaningfully of the accountability of ISFs

to human rights standards under military dictatorship? When the whole regime is unconstitutional and illegitimate, how can one expect it to hold its security forces accountable to human rights norms, especially when it relies on ISFs to persecute opponents and subjugate the general population? It might even be perceived to be hypocritical to demand that security forces be accountable when the government excepts itself from any accountability to the public at large. Others argued that the struggle to incorporate human rights standards into the performance of ISFs should never be halted until democratic governance is restored. To postpone these efforts may mean doing nothing for decades in many African countries. How can the wrongs done to millions of victims of police abuses be ignored—especially if legal remedies and corrective action may at least be available in legal theory? Why should these wrongs go unnoticed? Sanctioned by silence?

Another issue raised was the question of accountability of rebel forces and liberation movements which tend to rationalize their violations of human rights in terms of the priorities of liberation, the existence of wartime brutality, emergency conditions and claims of the common good. What's more, some participants argued, it is a matter of clarifying objectives: liberation from one form of oppression to another is not liberation; human rights standards must be central objectives of any true liberation struggle. The case of South Africa was discussed as an example of this difficulty. The wrongs done by both sides make it difficult to hold the ISFs of both accountable after liberation.

As indicated earlier, the proposed international standards in the code of conduct suggested by James Paul were strongly endorsed several times during the workshop. Participants also emphasized the formidable theoretical and practical difficulties confronting efforts to articulate, adopt and implement such a code. Before insisting upon adherence to universal principles, there is a need to clarify the purpose of such a code that should serve as terms of reference and a yardstick for evaluating performance of ISFs. In its scope, the document should, as much as possible, cover all types and forms of ISFs, while addressing particular questions of accountability in relation to each type of organization. For example, intelligence agencies may require

different forms of monitoring and accountability than regular police forces. Clarification of the nature and mandate of different types of ISFs is also necessary for the structure and content of the principles. Special emphasis must be placed on remedies and mechanisms of enforcement, as well as other possibilities of implementation. There was also strong agreement that it is essential that adoption of such a set of principles occur through a consultative process that involves ISFs, human rights and social justice organizations, as well as the public at large. Such a process will both educate those who engage in it, as well as assist in establishing the legitimacy and acceptance of principles.

Several participants discussed how international standards and codes of conduct could be internalized into the institutional cultures of ISFs, thereby making adherence to the principles an object of professional pride, instead of being seen as merely an instrument for external critics of their performance. Codes of conduct should be accepted by ISFs as an aspect of professional self-perception and identity; peer pressure to uphold them should be integral to the culture of the force. For that to materialize, codes should avoid abstraction and theoretical ambiguity, and be drafted in a language that speaks to and reflects the daily operational realities of ISFs, addressing their institutional and personal concerns as well as attempting to regulate their behavior. To that end, some participants suggested security organizations and personnel should be involved in the drafting and adoption of such codes.

There was some discussion of whether a manual would be more useful than a code of conduct. Those who preferred a manual saw it as a way of instructing ISFs on what to do—how to conform to human rights standards when performing their duties—instead of simply judging their performance after the fact. Other participants saw the issue more in terms of how both a code *and* a manual are conceived and drafted, with a view to providing both basic principles and practical guidance for acceptable professional conduct. Together—if integrated—a code and a manual will contain both the bases for judging wrongful conduct and models and instructions for proper performance of particular tasks.

In general, as anticipated, the seminar found that very little has been written on these vitally important issues and concerns, perhaps

partly because in many countries it is very difficult to discover what, if any, law and general standards exist, or whether and how they are being enforced regarding the composition and functioning of ISFs. During the last day of deliberations at the workshop, the following themes and concerns were found to have emerged from all country studies:

- The definition of ISFs should clearly include secret services and intelligence-gathering organizations. These types of organs are particularly problematic because of their secrecy and immunity from legal and political accountability. Some governments or ruling parties may also use “popular” or unofficial organizations (constituted as a “youth brigade”, “women’s league” or some other party affiliate) to harass political opponents or oppress the public at large. It is therefore important to develop appropriate, yet flexible, safeguards and strategies to deal with the wide variety of official and unofficial sources of abuse of power.
- ISFs tend to lack political neutrality. They habitually serve the interests of the ruling party or elites, rather than the population at large. It is therefore necessary to consider ways of rectifying this situation through, for example, ensuring independence of the professional leadership while maintaining their accountability to judicial processes and non-partisan independent bodies like national commissions and ombudsman institutions.
- The adequacy and credibility of forms and forums of redress for human rights violations by ISFs need to be questioned, nationally and internationally, as they are often merely cosmetic. NGOs should challenge and test these mechanisms, and expose them to the extent they are found to be ineffectual.
- There is an urgent need to examine critically schemes of immunity and impunity, presidential pardons and so forth, which protect human rights violators against accountability, especially after major conflicts or civil war, as in the case of South Africa. Foreign governments should also be challenged if they grant asylum to human rights violators and thereby frustrate efforts to hold them accountable for previous crimes.
- There is also urgent need to emphasize and utilize existing national constitutional and international human rights norms as the source

of new mechanisms to enforce accountability by police and internal security forces for human rights and other violations.

- The relationship between ISFs and the public should be examined with a view to enhancing not only public supervision, but also public involvement in the functioning of ISFs. For example, experiences with community policing in South Africa, and other efforts to make ISFs more closely accountable to local communities, should also be examined.
- Effective human rights education should use local languages and formats that enable community participation, particularly by the poor.

Finally it was agreed that INTWORLSA should coordinate or assist in organizing other regional workshops within Africa (East, West, Central and Southern) for NGOs, activists and scholars to discuss issues of structure of ISFs and their governance and accountability for human rights violations. Future workshops should also examine the need for a code of principles governing the structure, organization and accountability of police and internal forces. The draft code, proposed by Professor Paul, should provide a framework for such discussions.

A very exciting prospect that emerged from this process was the announcement by one of the participants in the project, Mr. Livingston Sewanyana of the Foundation for Human Rights Initiatives, Uganda, of an initiative to begin a national reorientation program in his own country, an effort to follow up the recommendation of the Addis Seminar. This Foundation has already implemented a program on reforming the penal system of Uganda, and will develop a new initiative on reform of police and internal security forces. This announcement, it is hoped, reflected the impact that the seminar had on the thinking and motivations of its participants, most of who had been active in human rights works-often at some personal risk and cost.

Appendix

[The following document was sent to all participants]

The Suggested Framework for the Country Studies on Human Rights and the Structure of Internal Security Forces (ISFs)

This "framework" is designed to aid the development of a country report on the law governing the structure of police and other internal security forces, particularly a report which examines structure and accountability from a human rights perspective. By "law" we mean: constitutional and legislative provisions, administrative regulations, operational manuals, standing orders, and customs of an organization.

We recognize that some of the information requested may be difficult to obtain and that in some countries there may be official hostility to or suspicion of attempts to obtain this information or the difficulty in obtaining it and, in this regard, the "secrecy" policies of ISF's, are very important legal facts which should be noted and discussed in any country report.

We also recognize that it may be difficult to prepare reports on all of the organizations that exercise police and internal security powers in a country because there may exist a number of such agencies, and because the organization and structure of some may be secret. It may be advisable to report on some ISF agencies—preferably those that seem of particular significance in the country context.

Category 3 (d), below, (Analysis of Legal Structure) is particularly important for purposes of this project and should be the central focus of the Report.

1) Historical Background

- A brief history of the development, expansion, armament, social composition and political linkages of ISF's (e.g., from colonial times onward).
- Brief history of military or police interventions in governance of the country.
- Vulnerability of the country to seizure of power by the military and police.
- Experience with emergencies and emergency powers.
- The size and roles of existing internal security forces (ISFs) within the country (e.g., in some countries there may be national and/or local laws that set-up these forces).

2) Summary of reports analyzing systemic, recurring (or widespread) patterns of abuse of human rights (using international human rights law as standards as well as national laws), and summary of sociological studies which tend to explain these patterns of conduct.

Note carefully: This topic is to be dealt with briefly by summarizing (and/or enclosing copies of) relevant reports and studies. The object is simply to demonstrate the importance of topic 3 below, which is the core of the report we are requesting.

a) Summary of studies, reports, etc. documenting systemic patterns of abuse of human rights by ISF's, such as illegal:

- arrests, detentions
- use of violence, deadly force
- interrogation
- treatment of prisoners, accessibility of prisoners
- discrimination
- treatment of women
- corruption
- disregard of accountability to courts and other institutions of control.

b) Summary of studies (if any) which analyze the training, "acculturation," and "culture" of ISF organizations and/or legal structure and/or norms of recruitment, training, discipline, governance, etc.

c) Summary of studies (if any) which examine the social structure of ISFs and such subjects as: the ethnic, cultural, and class backgrounds of personnel at basic and higher ranks, social and political attitudes, external loyalties, etc.

3) Analysis of the Legal Structure of ISFs

a) The focus of this analysis is on the body of laws (drawn from diverse sources) and operating practices which relate to the subjects listed below in (d).

b) The sources of this body of (diverse) laws may include the constitution, legislation, executive orders, regulations, operational manuals, standing orders, and customs which appear to have the force of law.

c) The purpose of the analysis is to develop a human rights critique of this body of law - to examine whether, and how this body

of law deals with the subjects listed below in (d). If the law does not appear to address a particular subject, that fact is important; the absence of law on particular subjects should be noted, because, obviously, where there is no law there is undirected discretion.

d) The subjects to be examined. The analysis should focus on questions such as the following:

- Authority to create police or other ISF organizations: (vested in which organ(s) of government (the legislative? the executive?))

- Authority to determine the organization of ISFs: (e.g., to determine the chain of command? To appoint at all levels of rank? To remove and discipline? To issue orders and regulations governing the conduct of ISF personnel?)

- Authority to vest ISFs with the power to arrest, detain, etc.: i.e., with special law enforcement powers (e.g., is such authority limited to the elective legislative or is it exercised by ISF commanders? ministries?)?

- Powers allocated to particular ISFs: (e.g., extent of their power to arrest, search, retain, interrogate, determine the place and conditions of confinement?)

- Emergency powers: Who can declare a "national" or "regional emergency"? What special powers or privileges are added by such a declaration? How long can an emergency last? Powers of courts to review ISF activities during an emergency?

- Control and oversight: Powers of legislature, executive and courts to require rules of conduct, discipline to monitor ISFs, and to control finances and organization.

- Training: What is required? Regular re-training courses? (with emphasis on respect for human rights, the existing criminal law, and the rule of law the process, etc.?)

- Codes of Conduct: Are there codes of conduct? Is UN Code of Conduct used? Is there awareness of that code? Regulations regarding protection of human rights? Standards regarding treatment of prisoners? (Are UN standards recognized? observed?)

- Discipline: With emphasis of sanctions and disciplinary processes to be followed where human rights and similar abuses have been alleged. Who enforces discipline? How?

- Corruption: Codes and standards regarding prohibited corrupt conduct? Sanctions and disciplinary processes.

- Accountability: Responsibility and authority of commanding officer, and of all ranks, to prevent violations of human rights and punish offenders. Sanctions for neglect of duty, failure to discover or investigate abuses by subordinates.

- Superior Orders: Does law impose a duty to disobey orders where obedience would produce a serious abuse of basic human rights?

- Criminal Liability: Are violations of human rights (by ISFs personnel) criminalized (by civil law? by military law?) Powers of Attorney General or public prosecutor to investigate and enforce these (and related) laws.

- Civil Liability: Legal rights of victims of abuse of right (by ISF's personnel) to secure compensation and/or other redress in civil courts? Scope of those rights?

- Powers of Legislature and/or Human Rights Commission (if one exists) to investigate alleged abuses of human rights? Powers of other government organs relevant to investigate, expose, and sanction.

- Transparency Access to Records: Legal provisions requiring disclosure of information (e.g., names and whereabouts of persons held in detention, reason for detention and evidence to justify it, office responsible for the case). Requirements to keep records of law enforcement activities such as arrests, searches, interrogations, etc.

- Powers and Rights of Civil Society to Monitor ISFs: Scope of rights of press, human rights NGOs, et al; to seek information, access to detainees and officials, and to monitor ISF activities. To initiate actions in courts to enjoin patterns of abuse, etc.

- Power of Courts to hear criminal and civil liability cases? To order reforms of ISF to safeguard human rights?

Please Note: The above topics are suggestive, not complete. Additional topics that should be included will be welcomed.

