



United States Mission to the OSCE

RULE OF LAW: POLICING

**Statement of Ms. Ruth Wedgwood
U.S. Delegation to the OSCE Implementation Meeting
October 9, 2003**

The behavior and performance of police in our societies are key to implementing and upholding many OSCE commitments, including protecting human rights, preventing trafficking and organized crime, and promoting the rule of law and security. How the police behave and perform can often determine a country's OSCE human rights record.

As a result, the OSCE increasingly is taking a lead role in civilian police matters, mostly in Southeastern Europe, but now also in Central Asia. Within the Secretariat of the OSCE, a Strategic Police Matters Unit coordinates these efforts. The United States has been an enthusiastic supporter of these activities and contributor of needed personnel. The Kosovo Police Service School, as well as the police training programs in Serbia and Montenegro, and Macedonia have all yielded impressive results and offer concrete and positive examples of what the OSCE is capable of doing in the field. Through these programs, numerous police officers have been trained in basic police techniques and human rights issues.

Other organizations, including the European Union Police Mission in Bosnia and Herzegovina, which succeeded the UN International Police Task Force in January 2003, and the United Nations in Kosovo, are working hard to improve local police conduct consistent with international human rights and democratic standards. Regardless of institutional affiliation, OSCE participating States should continue to seek to provide the highest quality individuals to these missions in order to set a standard that local police officers will be expected to follow. We regret that there have been incidents involving personnel of international police missions and trafficked women. For our part, the U.S. has worked hard to ensure the police officers we provide to these missions have the requisite training on this issue and has adopted a zero-tolerance policy for this conduct. We urge others to do the same.

Moving past the Balkans, international efforts to foster police reform also need to ensure that training and assistance are not abused by host government leaders -- who control the police and may use them to maintain their own political power. This is certainly a concern for Central Asia, and we urge the Kyrgyz Government to implement fully all elements of its comprehensive police assistance program agreement with the OSCE, with genuine police reform in Kyrgyzstan leading to concrete -- and much needed -- improvements in human rights and democratic development. We also look for similar progress regarding the Memorandum of Understanding more recently reached on a similar police assistance program in Armenia.

In some Central Asian States, the situation remains bleak. Police are known to routinely and arbitrarily detain citizens to extort bribes, and engage in unprofessional conduct, such as planting evidence and invading privacy. Regrettably, many corrupt police manage to escape accountability for these egregious acts. In Tajikistan, police often beat and force confessions from detainees. In

Uzbekistan, the use of torture is systematic. These and other deplorable activities are undertaken by security forces in Turkmenistan to quell dissent. We do wish to recognize the efforts of Kazakhstan to address historical shortcomings with its own security forces. Ongoing prison reform and the recent appointment of a reform-minded civilian to head the Interior Ministry are notable, good examples.

One of the structural factors that fosters and sustains the use of torture is the set of rules and practices of legal systems. Under Uzbekistan's legal system, for example, the procurator is supposed to look after the rights of the defendant **and** prosecute the case. This presents the age-old problem of trying to serve two masters. And, since promotions are based upon convictions, confessions – even if extracted by torture – seem to be expedient. Similarly, in some systems, judicial officials are paid by the number of cases they try, creating another incentive to bring a case to the quickest and most expedient conclusion.

Hence, Mr. Moderator, I would like to suggest a few concrete measures to mitigate some of the factors that can contribute to torture and other illegal practices:

- The job of defending the accused should be separated from that of prosecuting the case.
- Compensation and promotions must be uncoupled from case load and convictions. Convictions, per se, should not be the goal of a judicial system. Judicial systems must strive to get to the truth, and to administer justice correctly and impartially, with full respect for the constitution and for human rights.

While not necessarily part of a systematic attempt to maintain political power, police abuse is reported in many other OSCE States. Often, underpaid police officers are vulnerable to corruption in the face of widespread organized crime. In other situations, police in far-off regions of a country face little accountability for violating the human rights and legal protections of local citizens. Police in Albania, for example, reportedly arbitrarily arrest and detain persons, and beat suspects, detainees and prisoners. In some parts of Russia, beatings and torture are reported to be used in investigative proceedings.

This is not to say that other countries, including the United States, are without problems. My delegation views it as critical, however, that governments at the highest levels commit to ensuring satisfactory protection from police abuse and guarantee the rights of citizens in their homes or in detention. When police abuse does occur, governments must be held responsible for police actions.

I do not wish, Mr. Moderator, to have the many instances of police abuse in OSCE States in any way imply that police are inherently at odds with human rights or a threat to society. Indeed, the opposite is the case. People need the police. Perhaps best reflective of this idea is the collective reference to the police in Kosovo as a service, not a force. By and large, the police in my country and in most OSCE States are dedicated to protecting the public. Most would risk their own lives to save the lives of innocent people. They understand the rule of law, obey it, and uphold it. While they recognize there is, at times, a fine line between balancing freedom, and law and order, they do not approach their work by looking for people who are different in behavior, opinion or appearance to harass as threats to the state, but, rather, protect them from others in society who are intolerant.

This is a fundamental concept in Community Policing, on which we had a Supplementary Human Dimension Meeting last November. Community Policing seeks to bring in the local population as a partner with the local police to solve and prevent crimes. The police can learn much from civil society, and vice versa. We hope that the OSCE will continue to integrate the concepts of Community Policing into training programs for OSCE participating States.

In some cases, problems which occur are most likely the result of democratic transition filtering down too slowly from the offices of elected leaders to the local police stations. If there is a political will to engage in genuine police reform, the OSCE and its participating States should be willing to help with that reform. In closing, I would just mention that, in addition to its active support for the multilateral activities of the OSCE, which we anticipate expanding in the near future with support for an OSCE prison service training program in Uzbekistan, the United States also engages in numerous other activities, including a broad range of bilateral law enforcement assistance programs and the International Law Enforcement Academies in Budapest and elsewhere, to help provide training, expertise and contacts for law enforcement officials. Such efforts not only help promote proper behavior, but provide tools of vital importance in combating crime. To underline U.S. support for proper treatment of detainees and prisoners, the United States is also beginning a new bilateral program with Uzbekistan to support the adoption by its prosecutors and judges of new standards and practices intended to end the use of torture in investigations and detentions. The United States hopes that these efforts will serve as models and make a difference.