

# Remarks by the High Representative, Paddy Ashdown, at the Press Conference on the status of individuals removed from public functions in BiH

Ladies and Gentlemen,

I make a prediction to you that this press conference I am about to give will annoy you and perplex you in equal measure. It will annoy you because all of you are talking about one thing and one thing only and I am not going to make any further comment on that. We made a comment yesterday on the issue of indictment yet to be confirmed by the Court to Dragan Covic. You will try get me to make another comment on it, but it will be a waste of time, because I am not going to.

The subject of this press conference will perplex you because it is something which you haven't anticipated. I first initiated discussion on this among the International Community and my colleagues in the OHR more than a year ago and now I want to tell you about it, but it will seem slightly strange to you. Let me see if I can do a little background explanation.

It is now more than eight years since the Peace Implementation Council urged the High Representative to use his powers to remove individuals from public functions in BiH.

That sanction has proved – and continues to prove today, and

will prove in the future – essential to preventing obstruction of the peace implementation process. It has been, and as you see on occasion remains today, essential to achieving the progress that has been achieved in this country. And that will continue.

Opinion polls in BiH consistently show that the view of usefulness of this power of removal commands very wide support in BiH.

The people of this country know all too well how from the mid to the late nineties, this country was held to ransom by a small number of public officials who were determined to hold this country hostage. More recently, we have seen that there are a small number of public and other officials who on the issue of war crimes continue to believe that protecting war criminals is more important than giving the country a future and so are holding the country hostage in the same fashion. Now, this had to change in the past and it still has to change today.

Those people had to have their grasp prised away from the levers of power.

But the removal of recalcitrant officials from public functions was (and is) an extraordinary measure. It was (and remains today) a direct intervention in the political and legal processes for the sole purpose of allowing those processes to mature and strengthen in a country like BiH.

The removal decisions in respect of individuals, incidentally, make clear that they remain in effect until the High Representative decides otherwise. The legal basis of these removals has and still does include among other things, that removal decisions are not intended to be permanent, but should be kept under review and, when the High Representative decides that the purpose which the removal served no longer applies, these can be rescinded. It is time in BiH's present state of

development to make a reality of this principle.

I should make clear that I am talking about removal decisions by the High Representative – not by SFOR, EUFOR or UN IPTF, those are done under a different mandate, those are done for a different purpose and they were differently applied. Whereas a High Representatives's decision removes people from all of public life, in those decisions they were removed only and solely from the police forces, or the armed forces. So, those were done under a different mandate, they were done for a different purpose, they were differently applied and are not covered by the announcement I am making today.

I've considered this over the last eighteen months and we have been discussing it in detail among the OHR and the International Community, and I now conclude

that the situation in BiH has reached a point where it is now possible for me to consider the start of a phased reversal, where it is safe to do so and where circumstances allow, of some (initially a very small number) of the removal Decisions.

I intend to set in place a procedure to do that. I intend to start with a small – can I underline very small – number of cases, before considering whether I may be able to do more in the light of circumstances and how the system works. So we are commencing today a procedure to consider whether, and if so, how the conditions, which governed the decisions to remove individuals in the past, still apply today.

In considering the possibility of phased reversal of removal Decisions, I will take various factors into consideration.

– First and foremost: are people who have been removed in the past likely to obstruct implementation of the DPA today if that removal were reversed?

Other considerations include the nature of or reason for a removal in the first place. Some individuals were removed for

obstructing the DPA, plain and simple. These are unlikely to be included in a review I am conducting. Others were removed because they indirectly hampered peace implementation, for instance by failing to carry out housing or property return. And in some cases, removals for corruption have been followed by court proceedings and judicial punishment.

Let me explain the process I propose to follow in deciding whether to allow individuals who are no longer deemed to pose a threat to peace implementation to resume their careers in public service.

I will initiate a process which begins today, which has four phases.

Phase One: Taking all of those who were removed in the period from the beginning of 1998 till the end of 2003 – about 100 individuals – we will identify cases where the ban on participation in public life could reasonably be raised without a threat to the stability of the country, to the application of the DPA or to the health of your democracy.

Phase Two: This is the investigation phase. Background checks will be run on individuals who may be candidates, so as to ensure that, should the ban on participation in public life be lifted. There will be no negative effect on the peace process which would follow as a result, and then to recommend any conditions that might be applied on lifting the ban.

Stage Three: [which will happen after that investigation process] will be a review within OHR of the investigator's recommendations, and I will be presented with those.

Stage Four: A decision by me as to whether or not the ban on a given individual should be lifted. Let me say to you that there are varieties of outcomes to that which we can discuss perhaps later when in due course I make any further announcements, that if it were a case that I decide that an individual could return to public life, I will require them to

give a written commitment to uphold the Dayton agreement and the Constitution of BiH.

This process is an indication of the development status of BiH – we are now in position where we can do this, the country's democracy is secure now, its institutions strong enough and I believe that this process marks a change in the status of BiH and offers all of us a way forward.

BiH has moved decisively away from the destructive period of the mid and late nineties in which every effort to put a distance between the people of this country and the terrible suffering they endured at the start of the decade was frequently obstructed by a small number of individuals in key positions to do so.

We are seeking to begin a process that can place removals in the context of a limited timeframe. This will apply to some but absolutely not to all.

I should stress that this announcement does not mean that there will be no more removals. It does not mean that.

Should it be necessary, and it may become necessary, I will not hesitate to act to remove anyone who obstructs the consolidation of peace in Bosnia and Herzegovina , as we have seen recently in respect of individuals obstructing the ICTY in its work or those suspected of rendering assistance to PIFWCS. That will continue if it is necessary. That will also go for people who have been rehabilitated in this process. Should they again offend the principles of the stability of the state and observance of its Constitution and the DPA, I will have no hesitation, whatsoever, in removing them again. But I hope that won't arise.

What the process I am announcing today means is that some individuals, starting with very few, who – because they have changed or because the circumstances, in which they were removed, have changed (or because of both) – we conclude are

no longer a danger to the peace process can therefore resume public life and can again have the opportunity to contribute to building a stable and successful Bosnia and Herzegovina.

Thank you