

HR Lifts Bans To Encourage Further Progress

The High Representative, Paddy Ashdown, has today issued Decisions lifting the prohibition banning 23 individuals from participating in public and political life. (The names of those affected are listed in an [annex](#) to this press release.)

The High Representative announced the start of this process on 4 March 2005. It means that where an individual has changed, or circumstances have changed, and the OHR and the International Community can conclude an individual is no longer a danger to the peace process, that they may resume public life. The decisions taken are based on political judgement and do not effect any ongoing legal processes these individuals may be involved in.

Aside from the two-year ban on Momcilo Ristic from holding positions in the Teslic municipal administration, the prohibition to work in the public sector has been lifted for all other 22 individuals. However this does not give them the automatic right to reclaim their earlier positions if these positions have been filled in the meantime.

In addition the HR today lifted the decisions against 13 individuals who were removed in June and December 2004 specifically to overcome the obstructionists who were standing in the way of getting the RS to finally uphold its international obligations towards the ICTY. These removal decisions were taken as part of a package of measures designed to overcome obstructionism in co-operating with the ICTY and address the systemic weaknesses in the RS's security structures, which the ICTY Chief Prosecutor identified as a key reason for the RS's failure, at that date, to transfer

even a single person indicted for war crimes to the Hague.

18 months later, the RS has either itself, or in co-operation with the Serbian and Montenegro Authorities, transferred 12 ICTY indictees to the Hague , agreed to police and defence reform and, in consequence, BiH is standing at the threshold of Europe with negotiations for an SAA about to begin. In getting there, the EC has confirmed that there has been 'significant' progress on ICTY co-operation. After 9 years where the RS failed to apprehend or transfer to the ICTY a single person indicted for war crimes, during the first nine months of 2005, the RS Government has transferred or assisted in the transferral of 12 persons indicted for war crimes. The RS Government has also assisted the work of the Srebrenica Commission in their attempt to uncover the truth about what happened in July 1995, which has produced names of those implicated in the Srebrenica massacre.

Given these circumstances, the High Representative has concluded that it is appropriate to recognise progress and encourage more progress by lifting his decisions on some individuals who were previously removed. In taking the decisions in respect of these individuals the High Representative has consulted closely with the ICTY and other relevant international organisation. ICTY cooperation will not be completed until all ICTY indictees are in The Hague .

Removing recalcitrant officials from public functions was (and is) an extraordinary measure that has been necessary in order to eliminate major political and institutional obstacles to peace implementation. This strategy has been shown to work.

Reversing a removal Decision does not call into question the validity of the original Decision, but BiH's progress means that it is both possible and necessary to consider the phased repeal of some removal Decisions.

Should it prove necessary, the High Representative will not

hesitate to put on the removed list these or any other individuals found to be obstructing the implementation of the Dayton Peace Agreement – particularly in respect of any obstruction of the work of the ICTY or the proffering assistance to PIFWCS.