

High Representative Issues Decisions on Eligibility of Candidates to Run for Elected Office

The High Representative, Wolfgang Petritsch, on Wednesday issued three Decisions amending the Entity and State legislation governing the eligibility of candidates to run for elected office in BiH.

The High Representative has amended the BiH Election Law, adding the following clauses:

No person who has been removed by the Provisional Election Commission or the Election Appeals Sub-Commission, for having personally obstructed the implementation of the General Framework Agreement for Peace or violated the Provisional Election Commission *Rules and Regulations* shall be permitted to be a candidate in the elections or hold an elected mandate or an appointed office.

No person who has been removed from public office by the High Representative shall be permitted to be a candidate in the elections or hold an elected mandate or an appointed office.

No military officer or former military officer who has been removed from service pursuant to Chapter 14 of the *Instructions to the Parties* issued by COMSFOR under Article VI Paragraph 5 of Annex 1A to the General Framework Agreement for Peace, shall be permitted to be a candidate in the elections or hold an elected mandate or an appointed office.

No person who has been de-authorized or de-certified by the IPTF Commissioner, shall be permitted to be a candidate in the elections or hold an elected mandate or an appointed office.

The Election Commission of BiH will ensure that the application for certification of any political party and any documents submitted under article 4.3 of the Election Law and under the internal regulations of the Election Commission, do not include a person who has been dismissed by the PEC or the High Representative for the reasons cited above. If the application for certification shows that any political party has maintained such a person in a central party position, that political party will not be eligible for certification.

In the Federation the Law on Procedure of Entry of Legal Entities into the Court Register, and in the RS the Law on Political Organisation are both amended with the addition of the following annexe.

When hearing applications for registration of political parties, judges responsible must satisfy themselves that:

1. Members of Political Parties' Central Statutory Bodies, such as the Presidency, the Main or Central Board, Advisory Boards or Councils, Courts of Honour, and any other persons or bodies empowered under the party statute, or mandated by party statutory bodies to act on behalf of the party, are properly elected under the statute by the authorized party assembly or body; and
2. Any members of such bodies or persons thus empowered are not barred from holding party office under the law, including Decisions of the High Representative.

These Decisions, which take immediate effect, are designed to ensure that the democratic procedures enshrined in domestic BiH legislation are not undermined by individuals who have acted in gross violation of the provisions of the Dayton Peace Agreement, or who have hindered the implementation of the Dayton Peace Agreement.