

Notice of Decision by the High Representative to Lift the Ban Imposed on Ahmed Smajic

The High Representative, by way of his Decision, dated 27 July 2000 ("the 2000 Decision"), removed Mr. Ahmed Smajic from his post as Minister of Agriculture of the Federation of Bosnia and Herzegovina. The terms of said Decision, however, did not bar Mr. Smajic from public office subsequent to his removal ("Ban"). The Ban nevertheless came into effect by dint of Articles 20.9 A and 20.9 B of the Election Law of Bosnia and Herzegovina which bar individuals removed by the High Representative from future public office.

Upon careful consideration of Mr. Smajic's case and after concluding that the reasons for his removal no longer apply and he no longer poses a threat to peace implementation, institutional integrity or democracy in Bosnia and Herzegovina, I have decided to exempt Mr. Smajic from the ambit of Articles 20.9 A and 20.9 B of the Election Law of Bosnia and Herzegovina. Said legislatively-imposed Ban on Mr. Smajic is, therefore, lifted. Mr. Ahmed Smajic is hereby expressly permitted to hold official, elective or appointive public office, to run in elections and to hold office within political parties.

The principles of equity, proper governance and judicious exercise of the High Representative's international mandate, all of which take into account the balance between the protection of national stability and the rights of the individual, justify this outcome.

This Decision does not call into question the validity of the

2000 Decision. This Decision does not entitle Mr. Smajic to automatic restoration to the office from which he was removed pursuant to the 2000 Decision. Further, this Decision does not entitle him to compensation for any remuneration, other forms of unvested monetary benefits or privileges or status forfeited as a result of the 2000 Decision.

This Decision does not constitute an amnesty but rather a repeal, prospectively, of the 2000 Decision. The latter is not expunged and remains as part of the legislative record of Bosnia and Herzegovina .

This Decision does not prejudice the right of the High Representative to remove Mr. Smajic again should he, while occupying a public office in the future, be deemed to have violated his oath to respect the Constitution of Bosnia and Herzegovina and to uphold the General Framework Agreement for Peace in Bosnia and Herzegovina, which oath was freely given as a condition precedent for the lifting of the Ban.

This Decision does not affect or otherwise prejudice any pending or impending criminal proceedings in or outside of Bosnia and Herzegovina.

To the extent the terms of this Decision contradict domestic legislation on any of the subjects encompassed thereby, the former shall prevail. High Representative Decisions supersede and preempt contradictory domestic legislation. This legislative statement is declaratory of existing and prospective High Representative Decisions.

This Decision has immediate effect and will not require any further procedural steps.

This Decision shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Sarajevo ,
2006
Schwarz-Schilling

16 August
Dr. Christian

High Representative