

Decision To remove Mr. Himzo Đonko from his position as the Police Commissioner of Herzegovina-Neretva Canton

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “[f]acilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) measures to ensure the Peace Agreement throughout Bosnia and Herzegovina and its Entities which “may include actions against persons holding public office”;

Noting that in paragraph X.4 of the Annex to the Declaration of the Peace Implementation Council made at Madrid on 16 December 1998 it was stated that the Council acknowledged that leaders whom the High Representative bars from official office “may also be barred from running in elections and from any other elective or appointive public office and from office within political parties until further notice”;

Further noting, that the entrenchment of the rule of law remains a key objective within High Representative’s mandate to promote full compliance with the civilian aspects of the GFAP;

Recalling the PIC Steering Board’s full support for the High Representative and his ability to use the full range of his authorities to ensure full respect for the GFAP;

Recalling further the PIC Steering Board’s condemnation of actions and statements by actors in BiH that pose a threat to OHR staff and noting that such actions and statements display open disrespect for the fundamental principles of the GFAP and are unacceptable;

Ever conscious of the need to balance in due proportion the public good with the rights of individuals;

For the reasons hereinafter set out the High Representative hereby issues the following

DECISION

To remove Mr. Himzo Đonko from his position as the Police Commissioner of Herzegovina-Neretva Canton

And to bar him from holding any official, elective or appointive public office and from running in elections and from office within political parties unless or until such time as the High Representative may expressly authorise him so to do or to hold the same.

Himzo Đonko must vacate his office immediately and is barred from the date hereof from further entering the same. Any entitlement to receive remuneration or any privileges or status arising out of his post(s) ceases forthwith. For the avoidance of any doubt, this does not refer to vested pension benefits.

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

and the Official Gazette of Herzegovina-Neretva Canton.

REASONS FOR REMOVAL

Himzo Đonko did not meet the legal requirements for appointment to his current position. His appointment was made, at least in part, on the basis of falsified or knowingly inaccurate documents.

Himzo Đonko has acted outside of his authority to appoint police officers to key positions, appointments not being based on legal criteria.

Himzo Đonko has abused his office by threatening criminal investigations against his political enemies. Such threats were motivated by political considerations and were made with the intent to intimidate or to harass the subject of the investigation.

Himzo Đonko instructed others to threaten physical harm to members of the staff of the Office of the High Representative in an effort to obstruct an enquiry into his abuse of office.

Based on the foregoing, I find that Himzo Đonko has obstructed efforts to entrench the rule of law in Bosnia and Herzegovina and has directly threatened the implementation of the General Framework Agreement for Peace.

Sarajevo, 6 June 2009

Dr. Valentin Inzko
High Representative