

A Presidential Pardon Can Not Be Used As A Political Tool

The High Representative, Paddy Ashdown, has today written to the President of the BiH Federation, Niko Lozancic, asking Mr Lozancic to clarify media reports that he has granted a pardon to Miroslav Prce, who was sentenced to five years imprisonment in 2004 for misuse of public funds. The High Representative has asked Mr Lozancic, to explain – if these media reports are true – the reasoning behind his action. The High representative has asked Mr Lozancic to respond to this request by Friday 19 August.

In his letter, the High Representative notes that Mr Prce admitted his personal guilt and responsibility in a criminal enterprise that resulted in the diversion of millions of KM of public funds for improper use, including private use. This offence carried a maximum penalty under law of 15 years. However, as a result of plea bargaining Mr Prce, by accepting a five-year sentence, was able to avoid a much longer period in prison. The presiding judge in a written recommendation earlier this year noted that it would be “totally unjustifiable” if Mr Prce were to receive a pardon.

President Lozancic’s decision has given rise to the concern that the FBiH Authorities have overturned a State Court Judgment, in effect subverting a legal agreement by the Court and Prosecutors Office.

In his letter, the High Representative raises the concern that pardoning law has been misused for political purposes by two senior members of the HDZ [Mr Lozancic and FBiH Justice Minister Borjana Kristo], and he expresses the view that, “I am sure you must agree with me that public confidence in the rule of law requires the maximum transparency in these

matters.”

Using his powers as FBiH President to interfere in a BiH State Court case at the same time that State-level legislation governing Presidential pardons is being prepared reinforces the perception that politicians are above the law and defies the most basic principal of the rule of law: that all are equal before the law

After receiving a response from the Federation President, the High Representative will decide what further steps to take.