

Decision Ordering SDS Dobož to Submit Monthly Reports on All Financial Transactions

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 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 “Facilitate, 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 or officials...who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation”;

Conscious of the need to prevent the funding of activities which are, or which threaten to be, obstructive of the peace implementation process as pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina;

Noting that the Election Law of Bosnia and Herzegovina requires the Presidents of political parties to affirm that the activities of the political party comply with the General Framework Agreement for Peace in Bosnia and Herzegovina ;

Cognizant that the Election Law of Bosnia and Herzegovina and the Law on Party Financing of Bosnia and Herzegovina introduced procedures to increase transparency in the funding of political parties with a view to curb ingrained corruption in Bosnia and Herzegovina that undermines democratic governance, wastes public resources and hinders the development of a market economy;

Regretting that a number of persons indicted under Article 19 of the Statute of the International Criminal Tribunal for former Yugoslavia (hereinafter: the Statute) have been able, prior to the date hereof, to elude just prosecution, and that such elusion of just prosecution cannot have occurred without the assistance of other individuals and entities, whereby the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina has been obstructed;

Keeping in mind the fact that several members of the Srpska Demokratska Stranka (hereinafter: *SDS*) were removed by the High Representative for their involvement in activities inimical to the stability of Bosnia and Herzegovina and the rule of law, some of which, directly or indirectly provide material support and sustenance to an individual indicted under Article 19 of the aforesaid Statute, namely Mr. Radovan Karadzic;

Mindful of the fact that the SDS was founded by an indicted war

criminal who remains at large, and therefore the SDS has a special responsibility to break its links with the past, to cooperate fully with ICTY, and to assist in the detention and transfer of that indictee to The Hague .

Recalling the terms of High Representative's *Decision no. 221/04 Blocking all Bank Accounts Held by and/or in the Name of the SDS and Requiring the SDS to Establish One Bank Account* (BiH. O.G. no. 36/04) of 30 June 2004 (hereinafter: *Decision 221/04*), whereby it was ordered, *inter alia*, that each and every account held by/or in the name of the SDS be blocked and that the SDS establish one bank account in a commercial bank duly licensed in Bosnia and Herzegovina;

Recalling further that, pursuant to Decision 221/04, any financial transaction in excess of 150 KM by or on behalf of the SDS shall be conducted through the single bank account established pursuant to the said Decision;

Considering the findings of the Report of the Tax Administration of the Ministry of Finance of Republika Srpska of 1 July 2005 (no. 01/0101/014-76/05) (hereinafter: *RS Tax Administration Report*) whereby it is established that SDS Doboj has received several payments in excess of 150 KM;

Noting that, pursuant to the RS Tax Administration Report, seventeen (17) such payments were received and kept by SDS Doboj between 16 September 2004 and 22 September 2004 ;

Recalling that processing, receiving or otherwise obtaining any funds by means of a financial transaction in excess of 150 KM through any source or means other than through the single account established pursuant to Decision 221/04 constitutes a violation of the said Decision;

Having considered, borne in mind and noted all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Ordering SDS Doboј to Submit Monthly Reports on All Financial Transactions

Article 1

SDS Doboј is hereby ordered to submit a monthly financial report on all its financial transactions in accordance with this Decision. The first such report shall cover all financial transactions of September 2005.

Each report shall be submitted to the Ministry of Finance of the Republika Srpska, the Election Commission of Bosnia and Herzegovina, and copied to the Office of the High Representative, no later than the fifth day of each month for the previous month.

Article 2

The financial reports shall comprise the following information:

1. General data on the SDS Doboј, including the title of the political party's organizational unit as registered with the competent court, registered abbreviation, seat, address, telephone, fax, e-mail address, identification number, name of the court where registered, total number of employees;
2. Name, surname and address of the person or persons authorized to legally represent SDS Doboј, the position of the said person or persons in the SDS;
3. Name and surname of the person or persons, from SDS Doboј, authorized to sign transfers from the single account to vendor accounts, to receive and dispose of SDS funds from the SDS single account, and to conduct

- any other financial transaction;
4. All income of the SDS Dobož, including the specific sources of said income;
 5. All expenditures of the SDS Dobož including, including but not limited to, overhead and operating expenses, marketing expenses, and expenses for salaries of its employees.

All financial reports shall include evidence of each financial transaction relating to income and expenditures referred to in items 4 and 5 of Paragraph 1 of this Article.

Each report shall be accompanied by a bank statement for the reporting month, which details all funds allocated to SDS Dobož and all the expenses paid referred to in Paragraph 2 of this Article.

Article 3

The President of the SDS Dobož shall sign each financial report submitted in accordance with Articles 1 and 2 of this Decision. The President of the SDS Dobož shall be held accountable for the accuracy of data presented therein.

Article 4

The provisions of Decision 221/04, inter alia, Articles 1, 3 and 7 thereof, shall continue to apply.

Article 5

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina and the Official Gazette of Republika Srpska.

Sarajevo, 22 September 2005

Paddy Ashdown
High Representative