

Decision to remove Dragomir Andan from his position as Deputy Head of Administration for Police Education of the Ministry of the Interior of the Republika Srpska

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 “[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”;

Mindful of the fact that the peace implementation process, which continues to be pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina, is not yet complete;

Further mindful of the fact that the peace implementation process requires to be completed in order that a stable political and security environment in Bosnia and Herzegovina is established which is conducive, *inter alia*, to fundamental economic reform and to the return of refugees and displaced persons;

Recalling that under Article II, Paragraph 8 of the Constitution of Bosnia and Herzegovina, all competent authorities in Bosnia and Herzegovina are legally obliged to cooperate with and to provide unrestricted access to the International Tribunal for the Former Yugoslavia and are further legally obliged, in particular, to comply with orders issued pursuant to Article 29 of the Statute of the Tribunal;

Recalling further all relevant resolutions of the Security Council of the United Nations and in particular Resolution 1503 of 28 August 2003, Resolution 1534 of 26 March 2004 and Resolution 1722 of 21 November 2006 by which the Security Council called upon all States, especially Serbia and Montenegro, Croatia and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the

ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, [...] and all other indictees to the ICTY;

Noting that Bosnia and Herzegovina continues to have international and domestic obligations towards the International Criminal Tribunal for former Yugoslavia (ICTY) that remain unfulfilled in their entirety;

Further noting, by way of illustration, the Riga Summit Declaration issued on 29 November 2006 by which the Heads of State and Government participating in the meeting of the North Atlantic Council reaffirmed the importance that they attach to the values and principles set out in the Euro-Atlantic Partnership Council and the Partnership for Peace basic documents, and notably expect Serbia and Bosnia and Herzegovina to cooperate fully with the ICTY;

Recalling that the Steering Board of the Peace Implementation Council, at its meeting held in Sarajevo on 19 June 2007, called upon the authorities in Bosnia and Herzegovina, especially in Republika Srpska, to abide by their obligations under international law by cooperating fully with the ICTY, playing a proactive role in apprehending all remaining indictees – including Radovan Karadzic and Ratko Mladic – without further delay, dismantling their support networks and ensuring that indictees are transferred to the ICTY;

Noting that as a result of Republika Srpska's failure at the time to rise to the challenge of helping the State of Bosnia and Herzegovina to meet its international obligations, the High Representative in July and December 2004 issued Decisions removing several public officials in Republika Srpska;

Welcoming the fact that, since the issuance of said Decisions, Republika Srpska has, through the arrest and transfer of certain local war crimes suspects to the competent domestic authorities in BiH and of ICTY persons indicted for war crimes to The Hague, demonstrated some degree of recognition of its

role in ensuring that Bosnia and Herzegovina meets its international obligations;

Convinced that it lies within the capacity of Republika Srpska to increase the momentum in this direction and that the Republika Srpska authorities have expressed a willingness to do so;

Regretting that a number of persons indicted under Article 19 of the Statute of the ICTY have been able, at least 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;

Mindful that the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina has been obstructed as a result of such assistance;

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 Dragomir Andan from his position as Deputy Head of Administration for Police Education of the Ministry of the Interior of the Republika Srpska

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. Any entitlement to receive remuneration or any privileges or status arising out of his

post(s) ceases forthwith.

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

Dragomir Andan must vacate his office immediately and is barred from the date hereof from further entering the same.

|Allegations of wrongdoings by Dragomir Andan must be taken seriously and investigated by authorities in Bosnia and Herzegovina, which are enjoined so to do.

Dragomir Andan must immediately surrender his Bosnia and Herzegovina passport and any other document authorizing him to cross the State border to the RS Ministry of Interior until such time as authorities in Bosnia and Herzegovina shall have concluded investigations into his activities related to support of persons indicted for war crimes.

This Decision shall be published without delay in the Official Gazette of Republika Srpska.

REASONS FOR REMOVAL

Several persons indicted under Article 19 of the Statute of the ICTY remain at large despite the enormity of the crimes for which they are accused. This could not have occurred without the active assistance of individuals who are able to use their position and their knowledge of police methods to prevent their arrest.

The fact that these persons indicted for war crimes remain at large some twelve years after their indictments is a source of deep and abiding concern not only for the people of Bosnia and Herzegovina but for the International Community as a whole.

It falls on the International Community to ensure that this intolerable situation is redressed by initiating direct action against public office holders who obstruct international law in Bosnia and Herzegovina. By dint of their nefarious conduct or failure to carry out their functional responsibilities while associated in differing capacities with public institutions, these individuals have demonstrated that they are not worthy of entrustment with public responsibility.

Based on the foregoing and specifically upon information gathered during consultations with ICTY and other international organizations, it is deemed necessary to remove from public office Dragomir Andan. Dragomir Andan holds the office of the **Deputy Head of Administration for Police Education of the Ministry of the Interior of the Republika Srpska**. Dragomir Andan has, whether through his actions or his failures to act in a position of responsibility, contributed to shielding war crimes indictees from justice and preventing the efforts of those who have tried to do so.

Moreover, serious allegations of threatening and intimidating behavior have also been made against Dragomir Andan by citizens and journalists who seek to promote peace implementation by exposing those who conspire to protect war crimes indictees. If true, such allegations would represent a gross abuse of authority and yet another example of Dragomir Andan's obstruction of peace implementation. Allegations of threats and intimidation of journalists and citizens by public officials must be taken seriously by authorities in the Republika Srpska.

Dragomir Andan is responsible for contributing to the provision of material support and sustenance to individuals indicted under Article 19, as aforesaid. Dragomir Andan, therefore, obstructs the process of peace implementation and must be removed from public office. The principles of proper governance and transparency, protection of the integrity and reputation of the institutions of Bosnia and Herzegovina, and

active support for the rule of law and for the international obligations of Bosnia and Herzegovina – so essential to the peace implementation process – mandate this outcome.

*Sarajevo
2007*

10

July

*Miroslav Lajčák
High Representative*