

High Representative lifts bans on holding public office against seven individuals

The High Representative Christian Schwarz-Schilling yesterday lifted bans on holding public office against seven individuals who had been removed by earlier High Representatives for obstructing peace implementation.

The individuals are Edhem Bicakcic, Kemal Brodlija, Enes Cengic, Ramiz Dzaferovic, Elvedin Hrelja, Milos Krstic and Kemal Terzic.

The lifting of bans against these individuals does not return them to the positions from which they were removed.

There is a difference between being entitled to return to public life and actually doing so.

“The removal of an OHR ban does not automatically mean that a particular individual can participate in full in public life,” the High Representative said. “Rather, it means that it is no longer the OHR’s responsibility to decide whether a person can participate or not.”

Political parties have to decide whether to put these individuals forward for party office, elections, government positions and appointed office. And institutions have to decide, in accordance with the law, whether to appoint them.

If these individuals are placed on party lists, it is up to the electorate to decide whether they are the best people to chart BiH’s future.

Removals have played an important role in helping BiH emerge from the aftermath of war. It is widely accepted – by the

Venice Commission among others – that the removal of obstructionist officials has helped take the peace process forward.

However, as BiH meets its Dayton obligations and moves towards Euro-Atlantic integration, there are compelling reasons why these bans should be lifted.

The issue of removed officials must be addressed now and resolved before the OHR closes.

Already on 21 March this year, the High Representative held a press conference to explain why the issue of removed officials had to be resolved before the OHR closed.

On that occasion, the High Representative explained that: “For the transition to occur, both the BiH authorities and the international community must start to prepare now.”

“Among the issues that must be resolved is the legal status of officials who have been removed from their positions by a High Representative’s Decision for obstructing peace implementation,” he said.

The lifting of removal decisions in no way calls into question any ongoing judicial processes against the individuals concerned.

The High Representative reminded officials removed by a High Representative’s Decisions of High Representatives with the exception of ICTY-related removals that they can submit a request in writing to have the bans against them lifted.

This is not the case for ICTY-related removals. They form a distinct category because ICTY cooperation is a fundamental Dayton obligation.