

Interview: High Representative Paddy Ashdown: “Intelligence service must not spy on its citizens”

*The Law on Intelligence Service is one of the main requirements of the Feasibility Study * Future staff members will be carefully selected * We have the best law, but not necessarily the best service * Why Ashdown did not get involved in the “state coup” affair*

High Representative to Bosnia-Herzegovina **Paddy Ashdown** on Tuesday asked the Chairman of the BiH Council of Minister (CoM), **Adnan Terzic**, to ensure that the Draft Law on Intelligence and Security Agency be sent by the Council of Ministers into parliamentary procedure without delay.

It will be a bad sign if the Council of Ministers fails to forward the draft law into parliamentary procedure by 15 December – said the High Representative in an exclusive interview for *Oslobodjenje* – and a disturbing message that Bosnia-Herzegovina is not ready to meet one of the sixteen requirements from the EU Feasibility Study.

It takes time

Oslobodjenje: You have warned the Bosnia-Herzegovina Council of Ministers that the adoption of the Law on Intelligence and Security Agency can no longer be postponed. What would it mean, in light of the security situation in the region and in particular the terrorist attacks in Istanbul, if the law were not adopted?

Paddy Ashdown: That question touches upon the very essence of the problem. We had three big reforms before us – in the areas

of defence, indirect taxation and intelligence. It was a huge task for the reform commissions and the parliament. To be honest, I have always thought that it would be difficult for these three reforms to be adopted by 1 January. All three are very important, but two are slightly more important – defence, since that would enable us to get NATO's response on the PfP – and taxation reform, which is important for the EU Feasibility Study. We thought if we were to allow delays, that they could be in the intelligence reform sector. That was a political decision based on priorities. And that was the right decision. However, delays continue and, unless we take steps, intelligence reform will probably be prolonged until April, maybe even longer. That would mean that the time for its adoption in the Parliament would also be prolonged, which once again means that we have moved away from meeting the EU's requirements. We have the time from January to June to finish work on the 16 requirements, not to mention the tasks that should have been complete during the course of this year.

The other reason is the one you have identified. Delays in the reform of intelligence and security sectors create increasingly non-functional intelligence services and this it increases the danger from security threats – here I'm not talking about internal security threats, I'm talking about global, international, threats. I believe that uncertainty in the enactment of laws results in the improper functioning of the intelligence services. And of course that seriously undermines our ability to protect ourselves from various threats.

Oslobodjenje: Now the hot question – what if the Council of Ministers does not meet its task by 15 December, or if the Parliament fails?

Paddy Ashdown: I will give you my favourite answer – I will have to consider which measures to take. It would not be right for me to say what I will do, but I have to state clearly that it is irresponsible to carry on with the current situation in

which the security of this country and its citizens is endangered. So I would have to act in order to guarantee security in Bosnia-Herzegovina.

Even if we put the security situation aside, I believe it would be a bad sign if we were not to be able to meet these 16 requirements, i.e. if the Council of Ministers or the Parliament did not carry out their tasks within the deadlines set. I repeat, it would be a bad sign if I had to act on the very first task from the Feasibility Study list.

Oslobodjenje: In whose interest is it for BiH not to get one intelligence and security service?

Paddy Ashdown: Well I assume the interest of many people. Perhaps also the entities, since they had control over the intelligence services, and they still want that control. Certainly there are politicians who use the intelligence services for political purposes and goals, and there are many that oppose such reform. That does not suit those who like chaotic situations, who wish to continue with criminal activities.

Oslobodjenje: The law foresees a depoliticisation of the intelligence service. Is that possible at all in the Bosnia-Herzegovina of today?

Paddy Ashdown: I have to be honest – it will take time. But it is important that we start implementing a modern European law, one that will ensure the independence of the Security Service through a commission, i.e. parliamentary oversight. I often say that state building requires both hardware and software. The institutions are the hardware and you can change them quickly by law. The software is the mindset and change there requires more time. If the laws were effective as of tomorrow, the question remains would everything be perfect. Of course not, because we need time to get there! However, it is an important thing that according to this law, the security

services are not only responsible to the Chair of the Council of Ministers for their work, but they are also placed under parliamentary supervision. This is why the creation of a BiH Security Service does not represent an event but the beginning of a process.

Oslobodjenje: Regardless of assessments that one of best such laws in Europe was drafted for BiH, how is it possible to implement it when the law requires the engagement of the old FOSS (AID) and OBS workers, many of whom are influenced by politicians, selected by their parties...

Paddy Ashdown: The non-governmental organization which made an assessment of this law said that it was the best in the world. Of course, a good law does not necessarily mean a good intelligence service. There will be a thorough selection process. Those who do not show professional capacity, qualification and references, or those who are under political control will not be able to join this service. It is because of such a selection process that the commission was formed in the first place.

Oslobodjenje: There will certainly be comments that the law is anti-Bosniak, anti-Croat, anti-Serb. How are you going to defend yourself?

Paddy Ashdown: I don't have to defend myself. When I came to BiH, I said that there was only one way to make decisions – to do what is right. And this is right. If the law is adopted each BiH citizen will be able to sleep more peacefully; when someone knocks on the door there will no longer be the fear that it is the secret police. And each citizen in BiH will be safer than the citizens of Serbia, Montenegro or Macedonia.

Responsibilities of the Authorities

Oslobodjenje: So, this law is there to protect BiH citizens from their politicians?

Paddy Ashdown: That's right. If you think your human rights are violated by the intelligence service, -for instance if they planted listening devices unlawfully- you can lodge a complaint to an independent inspector within the service or to the parliamentary commission. The purpose of the intelligence service is to take care of state security and not to spy on ordinary citizens.

Oslobodjenje: It will not be possible any longer then to carry out unlawful surveillance or listen to "ordinary" citizens, something we had recently in the "state coup d'etat affair"?

Paddy Ashdown: I don't know if the listening was lawful or not. This is something for the judiciary to determine. But this case is an example that shows how necessary reforms are. If, for instance, a politician thinks his or her rights are violated, they can address the parliamentary commission, which will ensure their rights are protected.

Oslobodjenje: How come you did not react in this case when human rights were violated?

Paddy Ashdown: That's not my job. I don't interfere with the politics. This is something for the legislative structures to do and I warn you, it can get even worse than the horrible scandal we have all been witnesses to. Remember, failure to carry out control over the intelligence service led to the killing of Serbian Prime Minister Zoran Djindjic".

Oslobodjenje: I guess our Prime Minister Adnan Terzic is aware of that?!

Paddy Ashdown: I think you will have to ask him about that. I only warn that responsibility lies with the authorities, with the Ministry of Security. If we have a non-functional intelligence services we cannot have the rule of law in accordance with European standard. And we cannot think about visa-free travel if we are not able to control this space in an appropriate way.