

Decision suspending Edin Suljic without pay from the post of Chief Inspector of the Financial Police and banning him from taking any other post therein

In the exercise of the powers vested in me 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 implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities" which "may include actions against persons holding public office or officials Š 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";

Noting the reiteration of the acknowledgement of such powers by the Peace Implementation Council in Chapter X of the Annex to the Madrid Declaration of 16 December 1998;

Emphasizing the indisputable fact that the fight against corruption at all governmental and official levels is an essential part of the peace-keeping process and that such fight has to be carried out transparently so as to command public confidence;

Remarking that within the Federation of Bosnia and Herzegovina one of the essential elements in the fight against corruption is the existence of an effective and well led Financial Police, able to work with continuity, and free from political interference in the investigation of corrupt officials and individuals;

Observing with extreme concern that on 2 November 2000 the Government of the Federation of Bosnia and Herzegovina acted, notwithstanding the imminence of the elections to be held on 11 November 2000, to discharge the then Chief Inspector and Deputy Chief Inspector of the Financial Police and to replace the said Chief Inspector with one Edin Suljic, and the said Deputy Chief Inspector with one Dragan Zelenika, whereby disruption of ongoing investigations into corruption is and was thereby made inevitable.

Further observing that such disruption cannot help but create a serious risk that one or more persons who might otherwise have been successfully prosecuted could escape such prosecution altogether, or at the very least have the case or cases against them weakened;

Considering that the aforesaid Governmental action can only be categorised as arbitrary and unacceptable, but further considering that the Peace Agreement is not only imperilled and violated by those who make decisions but by those who are prepared to carry them out and implement them;

Noting that for all practical purposes the said Edin Suljic and the said Dragan Zelenika aid and abet, and are instruments for the implementation of such arbitrary and unacceptable action, as long as they continue to occupy such posts following appointment in the circumstances as aforesaid;

Regretting that in the light of the fact that their appointments are the consequence of arbitrary and unacceptable action on the part of the Government, neither the said Edin Suljic nor the said Dragan Zelenika can be permitted to remain in such posts without being and or becoming and or remaining to be an impediment to, and violators themselves, of the implementation of the peace process, by reason of the damage that their respective appointments has caused and is causing and will continue to cause to the fight against corruption;

Bearing in mind nevertheless my concern that I should at all times take action against persons holding public office or officials which is proportionate to the violation to the peace process which I find to have occurred, and likewise proportionate to the means appropriate in this case to restore continuity and vigorous leadership to the aforesaid Financial Police;

Having considered, borne in mind and noted all the matters aforesaid, I hereby issue the following:

DECISION

To suspend Edin Suljic without pay from the post of Chief Inspector of the Financial Police and to bar him from taking any other post therein, unless or until such time as I may, by further Decision, expressly authorize him to hold the same.

This Decision has immediate effect and without the necessity for any further procedural steps to be taken.

I require the Prime Minister and Government to reinstate the Chief Inspector of Financial Police who was discharged as aforesaid on 2 November 2000. Such reinstatement shall take place forthwith. This will enable the new Government, when it takes office, and is in a position to make its own informed decision as to who should be the Chief Inspector of Financial Police, to appoint the same.

Sarajevo, 15 November 2000

Wolfgang Petritsch
High Representative

Office of the High Representative