

Decision removing Mr. Munir Alibabic from his position of Director of the Federacija Bosne i Hercegovine Obavještajno-Signumosna Služba

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 implementation of 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";

Noting that the Peace Implementation Conference held at London on 8-9 December 1995 concluded that the peace should result in the creation of a climate of stability and security in Bosnia and Herzegovina;

Bearing in mind that within the Federation of Bosnia and Herzegovina one of the essential elements in the provision of a safe and secure environment (as required by Article III: 2 (c) of the Constitution of Bosnia and Herzegovina) is that there should be a well led Intelligence and Security Service;

Considering that the High Representative is concerned only to take action against persons holding public office proportionate to the harm to, and violation of, the peace process which he finds to have occurred or to be occurring;

Noting the adoption by the Parliament of the Federation of Bosnia and Herzegovina in 2002 of the Law on the Federation of Bosnia and Herzegovina Intelligence and Security Service (O.G. of the Federation of Bosnia and Herzegovina, No 23/02 of 7 June 2002);

Further noting that the said law establishes the Service for Intelligence and Security (hereinafter: Service) of the Federation of Bosnia and Herzegovina and includes provisions significant for the successful, timely and lawful work of the Service;

Bearing in mind Article 6 of the said law which provides that the Director of the said Service shall ensure that intelligence collected and further processed under this Law is protected against unauthorized access, communication or alteration, in accordance with relevant Bosnia and Herzegovina and Federation Laws concerning data protection and data exchange;

Noting the contents of article 8 of the said Law which provides that the Service is authorized, for lawful purposes, to collect, keep and disseminate to competent bodies intelligence information in accordance with the laws and constitutions of the Federation and of Bosnia and Herzegovina;

Further noting the provisions of article 16 of the said law to the effect that:

" Appropriate security measures shall be taken for the protection of intelligence information relating to an

identified or identifiable natural persons stored in automated data files against accidental or unauthorised destruction or accidental loss as well as against unauthorized access, alteration or dissemination;”.

For the reasons hereinafter set out the High Representative hereby issues the following:

DECISION

To remove Mr. Munir Alibabic from his position of Director of the Federacija Bosne i Hercegovine Obavještajno-Signumosna Služba 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 as Director of the Federacija Bosne i Hercegovine Obavještajno-Signumosna Služba ceases forthwith.

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

Mr. Munir Alibabic must vacate his office immediately and is barred from the date hereof from further entering the same.

This Decision shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

REASONS FOR REMOVAL

Mr. Munir Alibabić holds the position of Director of the Federacija Bosne i Hercegovine Obavještajno-Signumosna Služba. This Office is one in which the holder is subject to the highest fiduciary duties in relation to intelligence and security in the Federation. As such he holds a position at the head of a Service which has special duties and responsibilities over and above those of other public bodies. The holder of such an office must be active in exercising the highest integrity. The full confidence of the citizens of the Federation including the staff of the Service is essential in order for the Service's work to be successfully accomplished.

Mr. Munir Alibabić as the holder of such Office has failed in his duty to adequately protect intelligence information from improper use and in his duty to maintain the confidence of the public, in the Federation.

Mr. Munir Alibabic has through this and other means failed to take effective action to protect the reputation of the Office he holds and of the said Service. He has thereby, in the premises, failed to demonstrate active and unreserved support for the peace process.

Public trust and confidence in his tenure of office has been undermined as has the confidence in his Directorship and of those who work under him in the aforesaid Service.

In the premises Mr. Munir Alibabić has failed to perform his functions as Director in the manner expected of the holder of such an Office and in particular has failed to ensure that Articles 6 and 16 of the Law on the Federation of Bosnia and Herzegovina Intelligence and Security Service hereinbefore referred to have been properly complied with.

The principles of proper governance and transparency, protection of the integrity and reputation of the institutions of Bosnia and Herzegovina and the Federation, and active support for the rule of law are essential to the peace implementation process and have been eroded by Mr. Munir Alibabić's tenure of Office and can only be restored by his removal forthwith from such Office.

Sarajevo 21st October 2002

*Paddy ASHDOWN
High Representative*