

Decision Ordering SDS Dobož to Repay Specified Donations Made to the SDS

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 the Peace Agreement throughout Bosnia and Herzegovina and its Entities which "may include actions against persons holding public office or officials...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";

Conscious of the need to prevent the funding of activities which are, or which threaten to be, obstructive of the peace implementation process as pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina;

Noting that the Election Law of Bosnia and Herzegovina requires the Presidents of political parties to affirm that the activities of the political party comply with the General Framework Agreement for Peace in Bosnia and Herzegovina ;

Cognizant that the Election Law of Bosnia and Herzegovina and the Law on Party Financing of Bosnia and Herzegovina introduced procedures to increase transparency in the funding of political parties with a view to curb ingrained corruption in Bosnia and Herzegovina that undermines democratic governance, wastes public resources and hinders the development of a market economy;

Regretting that a number of persons indicted under Article 19 of the Statute of the International Criminal Tribunal for former Yugoslavia (hereinafter: the Statute) have been able, 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 and entities, whereby the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina has been obstructed;

Keeping in mind the fact that several members of the Srpska Demokratska Stranka (hereinafter: *SDS*) were removed by the High Representative for their involvement in activities inimical to the stability of Bosnia and Herzegovina and the rule of law, some of which, directly or indirectly provide material support and sustenance to an individual indicted under Article 19 of the aforesaid Statute, namely Mr. Radovan Karadzic;

Mindful of the fact that the SDS was founded by an indicted war criminal who remains at large, and therefore the SDS has a special responsibility to break its links with the past, to cooperate fully with ICTY, and to assist in the detention and transfer of that indictee to The Hague .

Recalling the terms of High Representative's *Decision no. 221/04 Blocking all Bank Accounts Held by and/or in the Name of the SDS and Requiring the SDS to Establish One Bank Account* (BiH. O.G. no. 36/04) of 30 June 2004 (hereinafter: *Decision 221/04*), whereby it was ordered, *inter alia*, that each and every account held by/or in the name of the SDS be blocked and that the SDS establish one bank account in a commercial bank duly licensed in Bosnia and Herzegovina;

Recalling further that, pursuant to Decision 221/04, any financial transaction in excess of 150 KM by or on behalf

of the SDS shall be conducted through the single bank account established pursuant to the said Decision;

Considering the findings of the Report of the Tax Administration of the Ministry of Finance of Republika Srpska of 1 July 2005 (no. 01/0101/014-76/05) (hereinafter: *RS Tax Administration Report*) whereby it is established that SDS Dobož has received several payments in excess of 150 KM;

Noting that, pursuant to the RS Tax Administration Report, seventeen (17) such payments were received and kept by SDS Dobož between 16 September 2004 and 22 September 2004 ;

Recalling that processing, receiving or otherwise obtaining any funds by means of a financial transaction in excess of 150 KM through any source or means other than through the single account established pursuant to Decision 221/04 constitutes a violation of the said Decision;

Having considered, borne in mind and noted all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Ordering SDS Dobož to Repay Specified Donations Made to the SDS

Article 1

SDS Dobož is hereby ordered to repay each donation, the aggregate of which amounts to 17.690,00 KM, to persons identified in the list of SDS donors included in the RS Tax Administration Report.

The repayment referred to in Paragraph 1 of this Article shall, in accordance with Decision 221/04, be conducted through the SDS single account established pursuant to the said Decision.

SDS Dobož and the commercial bank in which SDS holds the single account established pursuant to Decision 221/04 shall submit to the Ministry of Finance of the Republika Srpska, with a copy to the Office of the High Representative, evidence of each financial transaction of repayment, including all details of the accounts into which such repayments are made pursuant Paragraph 1 of this Article by a date no later than the 3rd October 2005.

Article 2

This Decision requires no further procedural steps to be taken and shall supersede any regulation or law which may be in contradiction with it and shall in no way release the SDS of its obligations under the laws in Bosnia and Herzegovina, including those under Decisions of the High Representative, the Election Law of Bosnia and Herzegovina or the Law on Party Financing of Bosnia and Herzegovina.

Article 3

The provisions of Decision 221/04, inter alia, Articles 1, 3 and 7 thereof, shall continue to apply.

Article 4

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina and the Official Gazette of Republika Srpska.

Sarajevo, 22 September 2005

Paddy Ashdown

High Representative