

OHR

Office of the High Representative

Notice of Decision by the Supervisor to Lift the Ban Imposed on Đorđe Popović by Supervisory Order dated 15 February 2008

Without prejudice to the decision of the Supervisor for Brčko District to suspend his functions as of 31 August 2012, which was supported by the Steering Board of the Peace Implementation Council at its session held on 23 May 2012;

Bearing in mind the Supervisory Order Regulating the Status of Legal Acts Issued by Brčko Supervisors of 31 August 2012 (Official Gazette of Brčko District of Bosnia and Herzegovina, No. 37/12) and its paragraph 6 that envisaged that provisions of Supervisory Orders dismissing individuals and/or imposing bans or restrictions against natural and legal persons in the District shall remain in effect and cannot be amended or put out of force by any District institution, and that all such dismissals and/or bans or restrictions, including those decreed to be permanent, shall cease to be in effect when determined by the Supervisor or once Supervision is formally terminated in line with the Final Award;

Recalling that the Supervisor of Brčko District, by way of the *Supervisory Order Removing Mr. Đorđe Popović from His Position in the Brčko District Police*, dated 15 February 2008 (Official Gazette of Brčko District of Bosnia and Herzegovina, No. 07/08), dismissed Mr. Popović from each and every position occupied in the Brčko District Police, and permanently barred him from holding any position in the Brčko District Police, further barred him from being deployed on the territory of the Brčko District, and from having any supervisory, administrative, or operational authority over matters pertaining to the Brčko District, if he would become employed by any other police body or other civilian or military public security service. In addition, Mr. Popović was also barred from holding any position in any other Brčko District public institution, whether the position is official or unofficial, elected, appointed or otherwise, and was prohibited from entering non-public areas of the offices of Brčko District public institutions;

Upon careful consideration of Mr. Popović's case, I hereby issue this notice of decision:

1. The dismissal, the ban and the restriction specified in the Supervisory Order of 15 February 2008 shall cease to be in effect. Mr. Popović is hereby permitted to hold any position in the Brčko District Police, to be deployed on the territory of the Brčko District, and to have a supervisory, administrative, or operational authority over matters pertaining to the Brčko District. In addition, Mr. Popović is hereby also permitted to hold any position in any District public institution, and the prohibition from entering non-public areas of the offices of Brčko District public institutions imposed by the Supervisory Order is also lifted.

2. This decision does not entitle Mr. Popović to restoration to the office from which he was removed pursuant to the Supervisory Order of 15 February 2008. As such, any possible employment in the Brčko District Police is subject to regular vacancy procedures. Further, this decision does not entitle Mr. Popović to compensation for any remuneration, other forms of unvested monetary benefits or privileges or status forfeited as a result of the Supervisory Order of 15 February 2008.
3. For the avoidance of any doubt, this decision does not call into question the validity of the Supervisory Order of 15 February 2008, and does not constitute an amnesty but repeal, prospectively, of the ban included in the Supervisory Order of 15 February 2008. The latter is not expunged and remains as part of the legislative record.
4. To the extent the terms of this decision contradict domestic legislation on any of the subjects encompassed hereby, the former shall prevail.
5. This decision has immediate effect and will not require any further procedural steps. It shall be published without delay in the Official Gazette of the Brčko District of Bosnia and Herzegovina.

Tamir G. Waser

Supervisor of Brčko District

Principal Deputy High Representative