

Decision removing Mr. Emin Skopljak from his position on the Telecommunications Regulation Agency

Emin Skopljak,
Telecommunications Regulation Agency
Fra Andjela Zvizdovica 1
UNIS Tower
Sarajevo

Dear Mr. Skopljak:

For reasons outlined in the attached Decision, we herewith notify you of the following: under the powers vested in the High Representative, you are removed from public office with immediate effect. In addition, in accordance with the Provisional Election Commission Rules and Regulations, this decision bars you from holding any public office and/or any position in public companies in the future.

It is with great regret that we are forced to acknowledge that during your term in office not only have you failed to show any commitment to implementation of the General Framework Agreement for Peace and the serious reform of telecommunications within Bosnia-Herzegovina but you have also persistently obstructed its implementation.

Yours sincerely,

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| Wolfgang Petritsch | Robert L. Barry |
| High Representative | Chairman of the PEC |
| | OSCE Head of Mission |

Cc: Minister Mirsad Kurtovic, Ministry of Foreign Trade and

Economic Relations

Minister Tihomir Gligoric, Ministry of Civil Affairs and Communications

In the exercise of the powers vested in the High Representative by Article 5 of Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative *'is the final authority in the theatre regarding interpretation of [the] Agreement on the civilian implementation of the peace agreement'*;

Endorsing the interpretation of these powers given in paragraph XI, 2 of the Conclusions of the Peace Implementation Conference held in Bonn on 10 December 1997, in particular, sub-paragraph (c) thereof, by means of which the High Representative is entitled to take actions against persons holding public office who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms of 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;

Considering the mandate entrusted with the Provisional Election Commission under Article III of the Annex 3 to the General Framework Agreement for Peace in Bosnia and Herzegovina and article 7.11 of the Rules and Regulations adopted thereafter which provides that *no person who has been removed by the High Representative shall be permitted to be a candidate in elections.*

I hereby issue the following

Decision

To remove Mr. Emin Skopljak from his position on the Telecommunications Regulation Agency and to ban him from

holding any public elected or appointed office at any level unless authorised by the High Representative to do so.

This Decision has immediate effect.

Reasons for removal

Mr. Emin Skopljak has abused his power by persistently and seriously obstructing implementation of the General Framework Agreement for Peace. By pursuing an extra-legal agenda, he has failed to adhere to and uphold the laws of Bosnia and Herzegovina.

In particular, in his position of Director, Mr. Skopljak bears a large measure of responsibility for the continued politicization of media and telecommunications in BiH and for obstruction of the essential reform of the telecommunications sector.

Mr. Skopljak clearly demonstrated his disregard for the Rule of Law and the role of independent regulation in the media and telecommunications market through his incorrect certification of the merger of two separate legal subjects to create BRT, Int. On 20 May 1999, Mr. Skopljak issued an official letter to Bosnajska Radio Televizija (BRT, Int.) which states in part:

“Based on your request and delivered documents which were issued by the Ministry in charge of informing and court registrations we inform you of the following: The Telecommunications Directorate has made the requested modifications in its documentation and merged/combined the subjects ‘Bosniak Television Ljiljan’ and ‘Bosniak Muslim Independent Radio Hayat’ under a new name ‘Bosniak Radio-Television BRT International.’ Since two subjects merged into one, it can keep and use frequencies allotted to its founders.”

In fact, both administrative and court documents show that the description above is misleading and that a proper merger

between these subjects did not occur. The true situation is that, a separate merger involving a different legal subject, BTV d.o.o, did take place with BMNR Hayat. Other documentation on record confirms that Mr. Skopljak was fully aware of the legal subjects that were actually merged. The incorrect certification of a merger between BTV Ljiljan and BMNR Hayat was in furtherance of deliberate attempts by Mr. Skopljak and others to provide a means for BRT, Int to acquire a provisional license to broadcast for which it was not eligible and constituted a deliberate attempt on the part of Mr. Skopljak to mislead the Independent Media Commission, an Annex 10 Commission of GFAP, into providing a provisional license to BRT, Int.

Further, it was beyond the powers of the Director of Telecommunications. to authorize any use of broadcast frequencies after July 1998 as this responsibility was handed over to the Independent Media Commission.. Additional documentation confirming the broadcast history of BTV Ljiljan provided by Mr. Skopljak to the Independent Media Commission on 6 June 1999, while accurate, appeared to confirm the right of BRT, Int to inherit the frequency of BTV Ljiljan and constitutes an act, for which Mr. Skopljak could be subject to prosecution.

All of the above establishes a disturbing and unacceptable pattern of deliberate attempts to obstruct the implementation of the General Framework Agreement for Peace. For these reasons, we hereby remove Mr. Emin Skopljak from the position of Director of Telecommunications for Bosnia-Herzegovina. The Decision will be effective immediately and will not require any further procedural steps. Mr. Skopljak must vacate his office immediately.

The position left vacant by Mr. Skopljak's removal will be filled in accordance with the legal regulations governing its appointment. In order to protect the institution, for which a replacement is to be selected, no further actions are to be

taken by relevant authorities until OHR communicates that there are no objections and that the proposed name can proceed further through the legal process.

17 July 2000

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| Wolfgang Petritsch | Robert L. Barry |
| High Representative | Chairman of the PEC |
| | OSCE Head of Mission |

Office of the High Representative