



Brcko Supervisor issues the Supervisory Order on urban planning

Brcko Supervisor Dr Raffi Gregorian has recently been investigating a corruption scandal in the District's urban planning regime. The scandal was brought to his attention by an obvious fraud perpetrated when a fictitious applicant sought the annulment by the Government Appellate Commission of a series of urban approvals issued upon the instruction of the then Supervisor Susan Johnson.

Supervisor Gregorian has now finished his investigation and reached a number of conclusions. He has concluded that a number of people bear prime responsibility for this scandal in particular and for the corruption and mismanagement in the District's urban planning regime in general. He has therefore issued a Supervisory order today by which he:

- dismisses Mr. Ismet Dedeic from his position as adviser to the Brcko Mayor and permanently bars him from holding any position in any District public institution. Mr. Dedeic is also prohibited from entering non-public areas of buildings housing District public institutions;
- dismisses Ms Olivera Lugonjic from her position as Head of the Division for Urban Development, Spatial Planning and Environmental Protection in the District public administration and bars her from holding any position in any District public institution for a period of 5 years;
- dismisses Ms Desanka Jovanovic from her position as President of the Appellate Commission of the District Government and bars her from holding any position in any District public institution for a period of 5 years;
- dismisses Ms Ljerka Korjenic and Ms Sladjana Mitrovic from their positions as officers within Division for Urban Development, Spatial Planning and Environmental Protection in the District public administration and bars them from holding any position in any District public institution for a period of 3 years;
- formally reprimands Mr. Zeljko Tanasic, the Head of the Department for Public Safety, Ms Natasa Zoric - Djurovic, the Head of the Department of Spatial Planning and Property Affairs, and Mr. Adnan Drapic, the Head of the Department of Urbanism prior to 1 September 2006;
- formally reprimands the other members of the Appellate Commission of the District Government who ruled upon the fraudulent case.

With that, the Supervisor reacts to a magnitude of irregularities, violations of due process, arbitrary interpretation of regulations, application of double standards, and unlawful interference in administrative procedures surrounding the issuance of urban approvals and construction permits. All that has created legal uncertainty, harm to economic development, obstruction to business activities and damage to the integrity of public administration of Brcko District.

The Supervisor regrets the need to dismiss and reprimand public officials in Brcko District, but feels compelled to do so in light of the District Government's continued unwillingness or incapacity to itself take action to prevent corruption.

In order to allow those dismissed due process, (a) the Supervisor will conduct an *ab initio* review procedure on a case-by-case basis of the dismissals made by this Order and the terms of them, if any of the persons so dismissed makes a written application to him within twenty-eight (28) days of the date of this Order, explaining why they are not guilty of the wrongdoings described in this Order, or why they ought not to suffer the penalties imposed upon them by this Order, whereupon the Supervisor will impartially consider the representations they make in light of the evidence against them referred to in this Order, and he shall give them the right to a fair hearing; and (b) the Supervisor may, after consultation with the High Representative, subsequently issue an Order making further provision for impartial review of the dismissals provided for in this Order and the terms thereof; provided, however, that no part of this Order shall be mitigated or canceled simply by the filing of a request to initiate any review procedure referred to in this paragraph, and this Order shall remain in force in full unless and until such time as the Supervisor may notify any such applicant that he has decided to vary the Order insofar as it relates to them.

The Order also reiterates the importance of all District officials at all times complying with instructions from the Supervisor. Any official failing to comply with such an instruction will in future be dismissed on that ground alone.

The Supervisor is also of the view that a series of amendments is necessary to the District's legal framework for spatial planning, to streamline the spatial planning process and render it more fair and easier for investors to use. With immediate effect, he has repealed legislation providing "expert opinions" as a basis for granting or rejecting urban approvals, and the authority of the Department for Agriculture to transform agricultural land into construction land.

For the longer term, the Supervisor has announced that he is considering a subsequent Supervisory Order imposing changes to the District's urban planning regime aimed at ensuring that urban planning is transparent and lawful.