

Fifteen Public Officials Removed for Obstructing Property Law Implementation

Fifteen public officials have been informed in writing by the High Representative, Wolfgang Petritsch, and the OSCE Head of Mission, Robert Barry, that they have been removed from office for obstruction of the implementation of the property laws and Annex 7 of the General Framework Agreement for Peace (GFAP) as well as that they are banned from running in elections and from holding any public or elected office.

Although there is some progress in property law implementation, the process is still moving too slowly and is in many instances obstructed by individual officials.

At the meeting of the Peace Implementation Council (PIC) in Brussels in May, “accelerating the return of displaced persons and refugees with a particular emphasis on enabling citizens to exercise their property rights” was declared a priority, in line with the High Representative’s strategy for Bosnia and Herzegovina. The PIC urged the BiH authorities “to accept their personal responsibilities to accelerating the return process” and called upon the High Representative “to use his authority in accordance with his mandate to ensure full and accelerated implementation in all sectors of civilian implementation.”

The 15 officials in question ignored, obstructed and failed to enforce laws they were tasked to implement, pursuing an extra-legal agenda and abusing their offices. They violated the GFAP, hindered the peace and reconciliation process and worked against the establishment of the rule of law. These abuses have been clearly documented in the Records of Violations and Interventions of the Property Law Implementation Plan (PLIP), a joint exercise conducted by OHR, OSCE, UNHCR and UNMIBH staff.

Many of those removed officials failed to take action against double occupants, particularly cases involving local officials or other prominent residents, to conduct evictions according to the law and to identify alternative accommodation for those entitled to it. Some failed to inform claimants that their pre-war homes had become available. Others consistently failed to process claims and issue decisions in regular manner. Some refused to process CRPC Decisions or apply Decisions by the Human Rights Chamber. Yet again others illegally re-allocated socially or privately owned property to individuals not entitled to alternative accommodation.

All those removed officials worked against those wishing to repossess their property, the very people they should have assisted. Thus, they personally and individually failed the citizens of Bosnia and Herzegovina.

The failure to respect the rule of law and the right to property contravenes not only basic human rights, democratic principles and the GFAP, but will also discourage potential investment in these municipalities. Investors will not engage themselves in areas where the rule of men outweighs the rule of law.

The removals are effective immediately and have been conducted by the High Representative in accordance with his powers under Annex 10 of the GFAP and the Conclusions of the PIC Conferences in Bonn, Madrid and Brussels. The removed officials are not permitted to be candidates in elections or to hold any public elected or appointed office under Article 115 of the Rules and Regulations of the Provisional Election Commission.

The High Representative and Ambassador Barry have sent letters dated September 7 to the following individuals, informing them of their removals.

Goran Bozickovic, Head of OMI (Municipal Section of the RS Ministry of Refugees and Displaced Persons), Bratunac

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Bozickovic used his position as Head of the OMI for political purposes by harassing political opponents; refused to evict verified double occupancy cases; and failed to utilise the budgetary assistance to the RS Ministry for Refugees and Displaced Persons in order to increase the rate of issuance and enforcement of decisions.

Sevala Brankovic, Lawyer, Second Instance, Cantonal Ministry of Housing, Sarajevo

Removed for violation of the GFAP through the blatant disregard of Federation property laws. Ms Brankovic failed to adequately address double occupancy cases; scheduled unnecessary hearings and thereby slowed down the

process of property law implementation; and failed to adequately instruct staff to implement property legislation in a proper manner.

Ivan Damjanovic, Mayor of Glamoc

Removed for violation of the GFAP through the blatant disregard of Federation property laws. Mr Damjanovic failed to provide a secure environment for the return of refugees and displaced persons in Glamoc; and prevented the municipal administration from implementing property legislation by deliberately withholding adequate resources from the municipal housing office.

Petar Dzodan, Deputy Minister, RS Ministry for Refugees and Displaced Persons

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Dzodan publicly expressed his unwillingness to act in accordance with RS property laws; and exerted pressure on subordinate housing officials to refrain from evicting certain categories of people.

Dragutin Djurdjevic, Head of OMI, Bosanska Gradiska/Gradiska

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Djurdjevic failed to issue decisions on claims in chronological order; re-allocated privately owned property; failed to implement Human Rights Chamber Decisions; failed to adequately address double occupancy cases presented by the International Community; and failed to provide lists of evictions and reinstatements.

Hajrudin Husic, Head, Department for Housing and Public Utilities Services, Banovici

Removed for violation of the GFAP through the blatant disregard of Federation property laws. Mr Husic failed to adequately address double occupancy cases, despite International Community interventions; used his position to harass political opponents; and showed political favouritism in issuing decisions in an irregular manner.

Blasko Jevric, Head of OMI, Dobo

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Jevrice cancelled and postponed scheduled evictions; failed to properly inspect properties scheduled for evictions and create inventories of property contents; and failed to request police presence at evictions.

Mara Jurkovic, Head of Department for General Administration, Sports and Culture, Capljina

Removed for violation of the GFAP through the blatant disregard of Federation property laws. Ms Jurkovic refused to co-operate with the Double Occupancy Commission established by the International Community by failing to accept documents presented by the Double Occupancy Commission, and to adequately address double and illegal occupancy cases; failed to implement CRPC Decisions; refused to co-ordinate with and provide information to other housing offices; failed to ensure that staff adequately investigate all claims; and failed to classify split families as double occupants.

Momcilo Ristic, Head of OMI, Teslic

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Ristic cancelled scheduled evictions and failed to ensure OMI staff attend evictions; failed to co-operate with the Teslic Property Commission, especially by refusing to produce lists of reinstatements and evictions as well as other documentation regarding double occupancy; allowed an employee to remain a double occupant; and failed to undertake adequate steps to provide alternative accommodation to entitled individuals.

Zaharije Simicevic, Head of OMI, Bosanski Samac/Samac

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Simicevic cancelled scheduled evictions; failed to co-operate with the International Community in solving double occupancy cases and providing lists of decisions and reinstatements; illegally re-allocated private and socially owned property; failed to implement CRPC Decisions; verbally harassed claimants; and failed to inform pre-war occupants when their properties became available.

Sanja Srna, Senior Lawyer, Centar/Stari Grad, Cantonal Housing Department, Sarajevo

Removed for violation of the GFAP through the blatant disregard of Federation property laws. Ms Srna refused to adequately address double occupancy cases; provided alternative accommodation to individuals not legally entitled to such; and was the subject of numerous complaints about harassment of claimants.

Branko Trbojevic, Head of OMI, Bosanska Dubica/Kozarska Dubica

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Trbojevic failed to properly assess criteria for alternative accommodation; provided alternative accommodation to individuals not legally entitled to such; and failed to evict verified double occupants.

Zeljko Trivan, Lawyer, OMI Banja Luka

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Trivan failed to issue and implement decisions in a regular manner, and to follow administrative procedures governing the issuance of decisions in accordance with RS property legislation.

Dusan Umicevic, Head of OMI, Bosanski Novi/Novi Grad

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Umicevic harassed claimants by repeatedly scheduling and cancelling appointments; failed to notify local police of forcible evictions; and failed to adequately address double occupancy cases, particularly those of prominent citizens and officials.

Risto Zarkovic, Head of OMI, Trebinje

Removed for violation of the GFAP through the blatant disregard of RS property laws. Mr Zarkovic cancelled and postponed scheduled evictions on a regular basis; failed to ensure that adequate inventories of property contents were taken prior to evictions, resulting in stripped and looted properties; failed to adequately address double occupancy cases, in particular by failing to attend Double Occupancy Commission meetings; refused to provide lists of unclaimed socially owned property to be used as alternative accommodation; and failed to take adequate steps to secure alternative accommodation.