

Decision to remove Mr. Edhem Bicakcic from his present position with, and to bar him from any further employment

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”;

Recalling further that the High Representative in a Decision dated 23 February 2001 removed Mr. Edhem Bicakcic from his

position as General Manager of Public Enterprise "Elektroprivreda"(Sarajevo) for the reasons stated in the said Decision;

Noting that in paragraph X. 4 of the Annex to the Declaration of the Peace Implementation Council issued at Madrid on 16 December 1998 it was stated that the Council acknowledged that those whom the High Representative barred from official office "may also be barred from running in elections and from any other elective or appointive public office and from office within political parties until further notice";

Noting further that the Peace Implementation Council at its meetings held in Bonn on 10 September 1997, in Madrid on 16 December 1998 and in Brussels on 23/24 May 2000, expressed its deep concerns regarding ingrained corruption in BiH which can lead to the undermining of democratic governance and the wasting of public resources and can hinder the development of the market economy;

Bearing in mind that at Madrid on 16 December 1998 the Peace Implementation Council set out its concerns as follows: "The Council expresses deep concern about continuing corruption and evasion of public funds. It welcomes the High Representative's development of a comprehensive anti-corruption strategy ... The High Representative will take the lead in co-ordinating International Community efforts aimed at eliminating opportunities for corruption, tax evasion and diversion of public revenue, ensuring transparency in all phases of governmental operations....";

Noting in addition that at Brussels on 23/24 May 2000 the Peace Implementation Council issued a Declaration in which it urged, "the High Representative to use his authority to ensure full and accelerated reform in all sectors of civilian implementation, including removing obstacles that stand in the way of economic reform". Further noting that in referring to critical reforms, the Council expressly mentioned its strong

support for “immediate reform in the area of public utilities, with an emphasis on telecommunications and energy.”;

Considering in addition that in the last said Declaration of 23/24 May 2000 the Peace Implementation Council stated that: “The Council remains deeply concerned over ingrained corruption in BiH which undermines democratic governance, wastes public resources and hinders the development of the market economy. The OHR comprehensive Anti-corruption Strategy is the solid basis for the fight against corruption. All public officials are expected to give their active and unreserved support to this Strategy and to the institutions which are implementing it.”;

Further taking into account the report of the Special Auditor conducted into the activities of JP “Elektroprivreda” (Sarajevo) published on 13 March 2003 which indicates that there are many transactions undertaken by the Public Enterprise which give rise to concern and necessitate the taking of measures to restore public confidence.

Bearing in mind the totality of the matters hereinbefore and hereinafter set out, the High Representative hereby issues the following:

DECISION

To remove Mr. Edhem Bicakcic from his present position with, and to bar him from any further employment by or involvement in, the business of JP “Elektroprivreda” (Sarajevo) and any or all of its subsidiaries, whether such involvement be direct or indirect, paid or unpaid. Any entitlement to receive remuneration or any privileges or status arising out of his present position with JP “Elektroprivreda” (Sarajevo) ceases forthwith. Mr Edhem Bicakcic remains fully barred from public office and otherwise as provided for in the previous Decision of 23 February 2001 referred to herein, and, for the avoidance of doubt, is likewise barred from any employed or advisory

position in any public company, whether paid or unpaid, which enables or might enable him to have or to obtain a role in making or influencing management decisions

This Decision has immediate effect and does not require any further procedural steps to be taken. Mr. Edhem Bicakcic must vacate his position immediately. The said Decision shall remain in force unless or until the High Representative may Decide otherwise.

This Decision shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

REASONS FOR REMOVAL

Mr. Edhem Bicakcic, who formerly held public office as General Manager of JP "Elektroprivreda" (Sarajevo), was removed from the said position by virtue of the High Representative's Decision, 86/01 dated 23 February 2001. ("Official Gazette of the Federation of Bosnia and Herzegovina", 9/01") Mr. Edhem Bicakcic by virtue of the said Decision was barred from holding any "official, elective or appointive public office".

Mr. Edhem Bicakcic, notwithstanding the said Decision, now holds a position within the said Public Enterprise, JP "Elektroprivreda" (Sarajevo), which effectively permits him, albeit indirectly, inter alia to manage the portfolio relating to the acquisition of new enterprises which involves significant sums (approximately 22.6 million KM earmarked in the 2002 budget for these purposes).

In using his present position to act as aforesaid, Mr. Edhem Bicakcic is effectively flouting the aforesaid Decision of the High Representative.

In the premises, the peace implementation process is undermined as long as Mr. Edhem Bicakcic retains his present position or any position within the said JP "Elektroprivreda" or any of its subsidiaries, and must accordingly be removed

therefrom and excluded and barred from returning thereto. In order to restore public confidence in Public Enterprise JP "Elektroprivreda" (Sarajevo) and other public companies the said Mr Bicakcic cannot in the premises be permitted to act as and/or as if he were the holder of a public office from which he is barred, whatever the status, position or employment nominally attributed to him within the said JP "Elektroprivreda" (Sarajevo) and other public companies as hereinbefore referred to.

Sarajevo, 13 March 2003

*Paddy Ashdown
High Representative*