Decision removing Mr Mladen Tolj from his position as Head of the Department of Urban Planning and Housing of the Bratunac Municipality and further banning him from holding any official, elective or appointive public office

In the exercise of the powers vested in me 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 Representativeąs 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 bindiby making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities which “may include actions against persons holding public office or officialsŠwho are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation”;

Noting that in paragraph X:4 of the Annex to the Declaration of the Peace Implementation Council made at Madrid on 16 December 1998 it was stated that the Council acknowledged that leaders whom the High Representative bars 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”;

Bearing in mind the importance attributed to the return of refugees and displaced persons to their pre-war homes by the General Framework Agreement for Peace in Bosnia and Herzegovina and its Annexes;

Further bearing in mind that the return process is a vital and necessary factor in the establishment of a lasting peace in Bosnia and Herzegovina;

I hereby issue the following

DECISION

To remove Mr Mladen Tolj from his position as Head of ion as Head of the Department of Urban Planning and Housing of the Bratunac Municipality, and to bar him from holding any official, elective or appointive public office and from running in elections and from office within political parties, unless or until such time as I may, by further Decision, expressly authorise him so to do.

This Decision has immediate effect and does not require any further procedural step to be taken in order to bring the same into force.

Reasons for removal

Since taking office as Head of the Department of Urban Planning and Housing of the Bratunac Municipality following the April 2000 elections, Mr. Mladen Tolj, who has since resigned, abused his power by persistently and seriously obstructing the implementation of the General Framework Agreement for Peace. He did so inter alia by consistently refusing to apply the laws of Bosnia and Herzegovina.

Mr. Tolj was warned as to his unlawful activities and as to the possibility of his removal on 17 May 2001 in a letter from Ambassador Valerie Sluijter, Deputy High Representative and Head of the Reconstruction and Return Task Force. Mr. Tolj was indeed called on, on various occasions, to stop illegal construction in Bratunac.

Despite being repeatedly instructed by the OHR to the contrary, Mr. Tolj allowed the construction of various properties iroperties in clear violation of the High Representative’s Decision of 27 April 2000 which requires the obtaining of an exemption from the OHR in the circumstances applicable thereto.

Following the receipt of the letter of 17 May 2001, Mr. Tolj purported to resign his position as Head of the Department of Urban Planning and Housing of the Bratunac Municipality by letter dated 23 May 2001 addressed to Mr. Miodrag Josipovic, then Mayor of Bratunac Municipality. He stated “personal reasons” for his decision. This purported resignation was a sham. Mr Tolj represented himself as the Head of the said Department to a member of the International Community by telephone on the morning of 1 June 2001.

By reason of the matters aforesaid Mr. Tolj clearly acted in such a way as to obstruct the return of refugees and displaced persons. His conduct was not only in violation of Annex 4 to the General Framework Agreement for Peace (the Constitution of Bosnia and Herzegovina) and in particular, Articles II.4, II.5 and III.2(c) thereof, but was also in violation of the Agreement on Refugees and Displaced Persons, namely Annex 7 of the said Agrement.

The totality of the matters aforesaid establish a disturbing and unacceptable pattern of deliberate attempts to obstruct the implementation of the General Framework Agreement for Peace and are the reasons for my taking my ag my aforesaid Decision.

This Decision shall be published without delay in the Official Gazette of the Republika Sprska.

Sarajevo, 1 June 2001	Wolfgang Petritsch
	High Representative

Office of the High Representative