Decision removing Mr. Miodrag Josipovic from his position of Mayor of Bratunac 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 binding decisions, as he judges necessary" on certain issues iertain 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. Miodrag Josipovic from his position of Mayor of Bratunac, and to bar him from holding any officiaing 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 to hold the same.

This Decision has immediate effect and will not require any further procedural steps. Mr. Miodrag Josipovic must vacate his office immediately.

Article 25 of the Law on Self-Management (R.S.O.G 35/99) of Republika Srpska shall apply for the purposes of the replacement of Mr. Josipovic.

Reasons for removal

Since taking office following the April 2000 elections, Mr. Miodrag Josipovic has abused his power by persistently and seriously obstructing the implementation of the General Framework Agreement for Peace. He has done so inter alia by consistently refusing to apply the relevant laws of Bosnia and Herzegovina.

Mr. Josipovic was warned as to his unlawful activities and as to the possibility of his removal as recently as 17 May 2001 in a letter from Ms. Valerie Sluijter, Deputy High Representative and Head of the Reconstruction and Return Task Force.

Mr. Josipovic was indeed called on on various occasions to stop illegal construction in Bratunac. Thus he was sent a letter from OHR on 21 September 2000 and again on 17 May 2001.

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

He was requested to nullify illegal decisions on socially owned land allocations made since 27 May 1999 and he has failed to nullify the decisions.

He was requested to publicly distance himself from recent incidents and attacks on returnees. He has in the past failed to encourage the police to pursue investigations into such incidents and has again failed to demand action from the police against perpetrators. On the contrary, following a

shooting incident on 15 March 2001 he publicly incited and inflamed ethnic tension by criticising the arrest of alleged wrongdoers, thereby undermining the law enforcement agencies and the rule of law. This continued behaviour from someone who holds public office indicates his disregard for the rule of law and justifies his removal from office.

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

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 aforesaid Decision.

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

Sarajevo, 1 June 2001	Wolfgang Petritsch
	High Representative

Office of the High Representative