Decision banning Zdravko Batinic from holding public and party offices

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 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 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."

For the reasons hereinafter set out I hereby issue the following:

DECISION

To bar Mr. Zdravko Batinic from holding any official, elective or appointive public office and from running in elections, and from holding office within political parties, unless or until such time as I may, by further Decision, expressly authorise him to hold or seek the same.

This Decision has immediate effect and will not require any further procedural steps. In consequence Mr Batinic ceases forthwith to be Vice-President of the HDZ BiH and likewise to hold any other office or position as aforesaid.

REASONS FOR BAR

Mr Batinic has so conducted himself as to make it clear that he does not respect the institutions set up under the General Framework Agreement for Peace in Bosnia and Herzegovina and has thereby seriously obstructed the implementation of this Agreement.

On Friday 2 March 2001, the day before a "gathering" in Mostar under the name of a "Croat National Assembly" the High Representative issued a public appeal in which he clearly stated that "any individual found to be engaged in illegal or anti-Dayton activities, including the establishment and maintenance of parallel structures, will be liable to sanction in accordance with my mandate [Š.] Activities aimed at undermining the legal institutions of the Federation and State will not be tolerated."

Mr Batinic deliberately chose to ignore this warning and the repeated calls of the international community that all should work within the legal institutions of the country. The purported "decisions" taken at Mostar on 3 March 2001 are without legal effect but nevertheless represent a serious attempt to disrupt and undermine the constitutional order which prevails in the Federation and in Bosnia and Herzegovina.

Mr Batinic has chosen to accept the position as so-called "Vice-President of the Croat self-government". By taking a leading position in support of such behaviour, Mr Batinic must personally bear responsibility for his acts.

Wolfgang Petritsch
High Representative

Office of the High Representative