Decision removing Berislav Pusic from his position as Chair of the Demining Commission and banning him from holding any official 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 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 or officials…who 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 the reiteration of the acknowledgment of such powers by the Peace Implementation Council in Chapter X of the Annex to the Madrid Declaration of 16 December 1998;

I hereby issue the following:

Decision

To remove Mr. Berislav Pusic as Chair of the Demining Commission and to bar him from any official or appointive public office unless or until such time as I may, by further Decision, expressly authorize him to hold the same.

This Decision has immediate effect.

Reasons for removal

Investigations into the conduct of demining operations in Bosnia and Herzegovina have exposed misuse of office and breach of public trust.

It is apparent that there is a widespread conflict of interest between Mr. Berislav Pusic's responsibility as a Chair of the de-mining commission and the manner in which demining activities have been implemented by Mr. Berislav Pusic.

Mr. Berislav Pusic in fact sent a letter of resignation to the Council of Ministers on 19 September 2000.

The Council of Ministers has not to date accepted the resignation of Mr. Berislav Pusic.

I am obliged therefore to take upon myself the responsibility of preventing further harm from being done. The importance of mine clearing operations to the future development of Bosnia

and Herzegovina is evident. It is unacceptable that BiH citizens and those donors who provide funding for demining should be left with just cause to doubt the integrity and commitment of those such as Mr. Berislav Pusic entrusted with the essential task of demining.

I conclude that Mr. Berislav Pusic as Chair of the Demining Commission has, in breach of public trust, not fulfilled the important duties bestowed upon him up to the required and expected standards, and that he is thus in violation of legal commitments as aforesaid.

For all the above reasons I have decided, as hereinbefore referred to, to remove Mr. Berislav Pusic from office as Chair of the Demining Commission with immediate effect and without the necessity for any further procedural steps to be taken.

Sarajevo, 11th October 2000

Wolfgang Petritsch
High Representative

Office of the High Representative