

Decision removing Zeljko Trivan from his position as lawyer with the Housing Office of Banja Luka

Mr. Zeljko Trivan
Lawyer, Banja Luka OMI

Sarajevo, 07 September, 2000

Dear Mr. Trivan:

For reasons outlined in the attached Decision, we herewith notify you of the following: under the powers vested in the High Representative, you are removed from public office with immediate effect. In addition, in accordance with the Provisional Election Commission Rules and Regulations, this Decision bars you from being a candidate in the upcoming November general elections or from holding appointed public office.

It is with great regret that we are forced to acknowledge that during your term in office not only have you failed to show any commitment to the implementation of the General Framework Agreement for Peace, but you have also seriously and persistently obstructed its implementation. In particular, your failure to adequately implement property legislation has created an obstacle to the right to return and repossess property in Banja Luka.

Sincerely,

Wolfgang Petritsch
High Representative

Robert L. Barry
Chairman of the PEC
OSCE Head of Mission

In the exercise of the powers vested in the High Representative by Article 5 of the Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative 'is the final authority in the theater regarding interpretation of [the] Agreement on the civilian implementation of the peace agreement';

Endorsing the interpretation of these powers given in paragraph XI, 2 of the Conclusions of the Peace Implementation Conference held in Bonn on 10 December 1997, in particular, sub-paragraph c thereof, by means of which the High Representative is entitled to take actions against persons holding public office who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms of 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;

Furthering the future steps to accelerate implementation of the General Framework Agreement for Peace adopted by the Peace Implementation Council in the Declaration of the Peace Implementation Council, Brussels, 23/24 May 2000, particularly to accelerate return of displaced persons and refugees with a particular emphasis on enabling citizens to exercise their property rights and to ensure respect for and understanding of the establishment of the rule of law;

Considering the mandate entrusted with the Provisional Election Commission under Article III of the Annex 3 to the General Framework Agreement for Peace in Bosnia and Herzegovina and article 115 of the Rules and Regulations adopted thereafter which provides that no person who has been removed by the High Representative shall be permitted to be a candidate in the elections.

We hereby issue the following

Decision

To remove Mr. Zeljko Trivan from his position as Lawyer of the Banja Luka OMI and to ban him from being a candidate for elected or appointed office unless authorized to do so.

This Decision has immediate effect.

Reasons for removal

Mr. Zeljko Trivan has abused his power by persistently and seriously obstructing implementation of the General Framework Agreement for Peace. By pursuing an extra-legal agenda, he has consistently refused to take ownership of the laws of Bosnia and Herzegovina. This agenda has been pursued despite constant interventions by relevant organizations within the International Community.

Mr. Zeljko Trivan, in his capacity of OMI Lawyer, has played a role in the obstruction by the municipality of Banja Luka in the return of refugees through the blatant disregard for property legislation of the Republika Srpska, including: the non-issuing and non-implementation of decisions and irregularities in decision making. In particular, Mr. Zeljko Trivan has failed to issue and implement decisions in a regular manner and failed to follow administrative procedures in issuing decisions. These abuses have been clearly documented in the Record of Violations and Interventions: Property Law Implementation in accordance with the Property Law Implementation Plan.

All of the above establish a disturbing and unacceptable pattern of serious and persistent attempts to obstruct the implementation of the General Framework Agreement for Peace. For these reasons, Mr. Zeljko Trivan is hereby removed from the position of Head of OMI Banja Luka. Removal will not preclude the possibility of future prosecution for the stated abuses. The decision will be effective immediately and will not require any further procedural steps.

Sarajevo, 07 September 2000

Wolfgang Petritsch
High Representative

Robert L. Barry
Chairman of the PEC
OSCE Head of Mission

Office of the High Representative