

Decision removing Mr. Obren Zeljaja from his position of President of the Municipal Assembly of Serb Ilidza

To: Mr. Obren Zeljaja
President Municipal Assembly, Ilidza/ Srpska Ilidza

Sarajevo, November 29, 1999

Dear Mr. Obren Zeljaja,

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 municipal elections.

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.

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 theatre 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 acknowledgement of such powers by the Peace Implementation Council in Chapter X of the Annex to the Madrid Declaration of 16 December 1998;

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 the article 7.10 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. Obren Zeljaja from his position of President of the Municipal Assembly Serb Ilidza and to ban him from being a candidate for the next municipal elections or to hold any executive office at any level, unless authorised to do so.

This Decision has immediate effect.

Reasons for removal

Mr. Obren Zeljaja has abused his power by persistently and seriously obstructing the 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.

In particular, Mr. Obren Zeljaja in his capacity as President of the Municipal Assembly Ilidza/Srpska Ilidza has consistently and deliberately obstructed the implementation of property laws and has been instrumental in preventing minority return to Ilidza/Srpska Ilidza.

- Mr. Obren Zeljaja has repeatedly failed to fulfil all commitments made to the international community in regard to the implementation of property laws. The latest broken promise was that of submitting to the Return and Reconstruction Task Force by 15 November a list of all unsolved housing issues and a property implementation work plan.
- Mr. Obren Zeljaja has also failed his institutional obligations as President of the Municipal Assembly. Mr. Obren Zeljaja does not convene Municipal Assembly sessions as per the plan and program adopted by the Municipal Assembly. The report on the work of the Executive Board and other municipal organs has yet to be adopted, as required by the Municipal Statutes and Rules of Procedure.

All of the above establishes a disturbing and unacceptable pattern of deliberate attempts to obstruct the implementation of the General Framework Agreement for Peace. For these reasons, we hereby remove Mr. Obren Zeljaja from the position of President of the Municipal Assembly Ilidza/Srpska Ilidza. The Decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Obren Zeljaja's removal will be filled by the Municipal Assembly in accordance with the legal regulations governing this election. In order to protect the institution to which a replacement is to be elected, no further actions are to be taken by the relevant authorities until OHR and OSCE communicate that there are no objections and that the proposed name can proceed further through the legislative process. Until a replacement is elected by the Municipal Assembly, the Vice President of the Municipal Assembly, Mr. Radivoje Grkovic, will act in a caretaker capacity.

The mandate of Mr. Obren Zeljaja will be passed to the next candidate on the SDS list in accordance with the Article 7.90 of the Provisional Election Commission Rules and Regulations.

Sarajevo, 29 November 1999

Wolfgang Petritsch
High Representative

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

Office of the High Representative