

Decision removing Mr. Djordje Umicevic from his position of President of the Municipal Assembly of Banja Luka

To: Djordje Umicevic
President Municipal Assembly Banja Luka

Sarajevo, November 29, 1999

Dear Mr. Djordje Umicevic,

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. Djordje Umicevic from his position of President of the Municipal Assembly Banja Luka 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. Djordje Umicevic has abused his power by persistently and seriously obstructing the implementation of 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. Djordje Umicevic, in his capacity of President of the Municipal Assembly, has consistently acted in an obstructive manner with regard to creating a multi-ethnic society. Mr. Djordje Umicevic has made inflammatory and offensive public statements creating a non-conducive environment for returns. Mr. Djordje Umicevic has also been instrumental in working against the mandate of BiH institutions set up by the Dayton Peace Agreement.

- In a recent interview with Nezvisne Novine Mr. Djordje Umicevic made a number of controversial comments on the reconstruction of the Ferhadija Mosque aimed at stirring up intolerant and anti-Bosniak feelings.
- Mr. Djordje Umicevic's disregard for BiH institutions is clearly evidenced by his attempts to obstruct the work of the Human Rights Chamber, a BiH institution established by Annex VI of the Dayton Peace Agreement. Mr. Djordje Umicevic made numerous attempts to prevent the Human Rights Chamber Hearing in the Case No. CH/96/29, Islamic Community versus the Republika Srpska, to take place on 9 November 1998. The Human Rights Chamber was forced to change the location of the hearing four times following political pressure from Mr. Djordje Umicevic's office on the proprietors of the venues selected for the hearing to take place. Mr. Djordje Umicevic further attempted to obstruct the work of the Human Rights Chamber by refusing to attend the hearing although he had previously raised no objections when personally served with the summons.
- The Human Rights Chamber has ordered that permission to rebuild seven mosques in Banja Luka be granted. In their refusal to give building permission the municipal authorities are citing local legislation enacted after the Human Rights Chamber decision restricting new construction. By not abiding to the Human Rights Chamber decision, which is based upon the European Convention on Human Rights, the authorities thereby violate the BiH Constitution on the principle of the mentioned Convention's supremacy over municipal legislation.

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. Djordje Umicevic from the position of President of the Municipal Assembly Banja Luka. The decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Djordje Umicevic'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 appointing 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 new President of the Municipal Assembly is elected by the Municipal Assembly, the Vice President of the Municipal Assembly, Mr. Mihajlo Crnadak, will act in a caretaker capacity.

The mandate of Mr. Djordje Umicevic will be passed to the next candidate on the SSKIP candidate 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