Decision removing Mr. Slavko Topalovic from his position of President of the Municipal Council of Srpsko Gorazde

To:	Mr. Slavko Topalovic President of the Municipal Assembly Srpsko Gorazde

Sarajevo, November 29, 1999

Dear Mr. Slavko Topalovic,

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 office with immediate effect. In addition, in accordance with the Provisional Election Commission Rules and Regulations, this decision bars you from being a candidate for 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 obstructed that implementation in a serious and persistent manner.

Sincerely,

Wolfgang Petritsch	Robert L. Barry
High Representative	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 this power 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. Slavko Topalovic from his position of President of the Municipal Assembly Gorazde/ Srpsko Gorazde and to prevent him from being a candidate for the next municipal elections or to hold any executive office at any level.

This decision is final and binding and will be reviewed by the High Representative in due time.

Reasons for removal

Mr. Slavko Topalovic has abused his power by persistently and seriously obstructing 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. Slavko Topalovic, in his capacity as President of the Municipal Assembly Gorazde/Srpsko Gorazde, has chosen to abort almost all efforts for reconciliation with the Gorazde Canton and with the Bosniak councillors elected to the Gorazde/Srpsko Gorazde Municipal Assembly. Mr. Slavko Topalovic has deliberately and consistently used every available mechanism to prevent minority return to Gorazde/Srpsko Gorazde.

- On 27 August 1999, Mr. Slavko Topalovic attempted to block reconstruction projects in the village of Hubijeri in attempting to subvert the process. Once this process commenced he personally used his influence to invoke preventative regulations that continue to halt the process of reconstruction.
- Throughout 1998 and 1999, despite intensive efforts by UNHCR and OHR to unblock the property repossession process, no returns to Gorazde/Srpsko Gorazde have been recorded.
- Mr. Slavko Topalovic gave alternative priorities to return destinations deliberately to stall reconstruction projects. Having established the appropriate locations, the Local Return and Reconstruction Task Force met continuing extremely stiff resistance to commence reconstruction projects in an attempt to delay until winter.
- Mr. Slavko Topalovic refused permission for reconstruction and then failed to raise the issue at the Municipal Assembly for approval. Tri-partite agreements

were also ignored and obstructed by the President of the Municipal Assembly.

- The recent IEBL crisis in Gorazde/Srpsko Gorazde also illustrates Mr. Slavko Topalovic's resistance to reconciliation and minority return. In spite of the responsibilities of the Gorazde/Srpsko Gorazde municipal authorities in the events, Mr. Slavko Topalovic failed to appear several times for international community-facilitated talks with his counterpart in Gorazde before and during this minority return related crisis.
- No office space has been provided for the Bosniak officials in Gorazde/Srpsko Gorazde and national and religious hymns and flags continue to be misused at Municipal Assembly sessions. Furthermore, a portrait of an indicted war criminal continues to hang in the municipal offices. Mr. Slavko Topalovic has thus failed to create an environment conducive to reconciliation.

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. Slavko Topalovic from the position of President of the Municipal Assembly Gorazde/Srpsko Gortazde. The decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Slavko Topalovic'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 the Assembly elects a new President of the Municipal Assembly, the Vice President of the Municipal Assembly, Mr. Radivoje Pljevaljcic will act in a caretaker capacity.

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

Sarajevo, 29 November 1999

Wolfgang Petritsch	Robert L. Barry
High Representative	Chairman of the PEC
	OSCE Head of Mission

Office of the High Representative