

Decision removing Mr. Pero Pazin from his position as Mayor of Stolac

To: Mr. Pero Pazin, Mayor Stolac

Sarajevo, November 29, 1999

Dear Mr. Pero Pazin,

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 Peace, but you have also seriously and persistently obstructed its implementation.

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 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 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. Pero Pazin from his position as Mayor of Stolac 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. Pero Pazin 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.

In particular Mr. Pero Pazin, in his capacity of Mayor, has been responsible for the obstruction by the municipality of Stolac in all fronts and for the lack of compliance by the municipal executive authorities on key issues of the General Framework Agreement for Peace: establishment of joint municipal administration, property implementation, minority return, implementation of High Representative decisions and instructions. The municipal authorities are also responsible for illegal activities with regard to the re-allocation and disposal of socially owned property, as shown by the Federation Ombudsmen report of June 1999.

- To date, not a single decision on claims for property repossession has been made. Mayor Pazin has refused to implement Ambassador Ellerkmann's instruction of 27 August 1999 to process all filed property claims within 30 days. In addition, IPTF has issued non-compliance reports against Mayor Pazin for non-implementation of property laws.
- All attempts by the International Community to set up a Double Occupancy Commission with international members have been frustrated. Mayor Pazin preferred to establish a municipal internal commission and has refused to explain the methodology of the commission's work.
- Mr. Pero Pazin has also failed to implement the High Representative's instruction of 2 September 1999 ordering that separate facilities in existing schools be provided to Bosniak returnee children.
- In spite of repeated requests, the three Bosniak Heads of Department are denied access to all files and information relevant to their portfolio and fulfillment of their duties. The three Bosniak Heads of Department have been purposefully discriminated against in terms of department budgets, working space, remuneration and pension funds.

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. Pero Pazin from the position of Mayor of Stolac. The decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Pero Pazin's removal will be filled by the Municipal Council 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.

Sarajevo, 29 November 1999

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

Office of the High Representative