

# Decision removing Mr. Pero Madzar from his position of Mayor of Kiseljak

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| To: | Mr. Pero Madzar<br>Mayor Kiseljak<br>Delegate to the Middle Bosnia Cantonal Assembly<br>Member of the Federation House of People<br>Member of BiH House of People |
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Sarajevo, November 29, 1999

Dear Mr. Pero Madzar,

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 all public offices you hold 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.

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| 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 Madzar from his position of Mayor Kiseljak 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 Madzar 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 Madzar, in his capacity as Mayor of Municipality Kiseljak, has actively obstructed the establishment of a functioning joint municipal administration and the implementation of property laws. Mr. Pero Madzar has also been instrumental in creating an intolerant environment through the use of highly inflammatory language.

- Mr. Pero Madzar has systematically obstructed the implementation of property laws. The number of private property reinstatements is insignificant and hardly any evictions have been enforced. The reinstatement and eviction records concerning socially owned property are equally unacceptable. Mr. Pero Madzar continues to claim lack of alternative accommodation to justify such poor property implementation records. However, the Housing Department maintains that Kiseljak continues to harbour large numbers of multiple occupants.
- The formation of a parallel housing authority, called Evictions Commission, is further evidence that the Mayor simply pays lip service to the implementation of property laws. This body appears to have been formed with the clear purpose of delaying or preventing evictions and has been an example of the Mayor's repetitive attempts to seek methods of obstructing the return process.

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 Madzar from the position of Mayor of Kiseljak. The Decision will be effective immediately and will not require any further procedural steps.

The positions left vacant by Mr. Pero Madzar's removal will be

filled by the Municipal Council, the Cantonal Assembly and the Federation House of People in accordance with the Constitutions and the Laws governing those elections. In order to protect the institutions 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.

The mandate of Mr. Pero Madzar in the Cantonal Assembly will be passed to the next candidate on the HDZ candidate list in accordance with the Article 7.90 of the Provisional Election Commission Rules and Regulations.

Sarajevo, 29 November 1999

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

Office of the High Representative