

Decision removing Mr. Milan Kecman from his position of Head of OMI in Foca/Srbinje

To: Mr. Milan Kecman
Head Of OMI Foca/Srbinje

Sarajevo, November 29, 1999

Dear Mr. Milan Kecman,

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 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. Milan Kecman from his position of Head of OMI in Foca/Srbinje 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. Milan Kecman 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. Milan Kecman, in his capacity as Head of OMI in Foca/Srbinje, has consistently blocked the implementation of property legislation in the municipality of Foca/Srbinje through his refusal to issue any decisions in favour of pre-war Bosniak residents. Specifically,

- With over 3000 claims to property in the municipality, Mr. Milan Kecman has issued 15 decisions all of which are related to Serb claims for property. In addition the OMI claims only to have received 876 claims whereas the real figure is closer to 3000.
- Claims are stored with no attempts to process or examine these claims.
- Claimants have been contacted requiring them to supply additional documentation in contravention of the law.

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 Milan Kecman from the position of Head of OMI Foca/Srbinje. The Decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Milan Kecman's removal will be filled in accordance with the appropriate regulations. 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.

Sarajevo, 29 November 1999

Wolfgang Petritsch
High Representative

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

Office of the High Representative