Decision removing Mr. Dejan Miletic from his position as Head of Republika Srpska Secretariat for Relations with the International Criminal Tribunal in The Hague and Research of War Crimes

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall "(f)acilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation";

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid "by

making binding decisions, as he judges necessary" on certain issues including (under sub-paragraph (c) thereof) measures to ensure the Peace Agreement throughout Bosnia and Herzegovina and its Entities which "may include actions against persons holding public office";

Noting that in paragraph X. 4 of the Annex to the Declaration of the Peace Implementation Council issued at Madrid on 16 December 1998 it was stated that the Council acknowledged that those whom the High Representative barred from official office "may also be barred from running in elections and from any other elective or appointive public office and from office within political parties until further notice";

Mindful that the tragedy of the July 1995 Srebrenica massacre has resonance to this day;

Acknowledging the legitimate need of the families of the victims of Srebrenica to ascertain details concerning the fate of their loved ones and the locations of their final resting place;

Recalling that in a Decision dated 7 March 2003, the Human Rights Chamber of Bosnia and Herzegovina required the Government of Republika Srpska to disclose all information in its possession concerning the victims and the locations of their final resting place, to conduct an investigation into the Srebrenica events and to provide 2 million KM to the Foundation of the Srebrenica-Potocari Memorial and Cemetery;

Recalling further that, in Response to the Chamber's Decision, the Government of Republika Srpska produced a report recognizing the scale of the massacre at Srebrenica, the absolute need of the relatives to receive information concerning the fate of their loved ones/location of their final resting place and the imperative for a comprehensive investigation by Republika Srpska of the massacre;

Recalling further that said report also articulated a plan for

establishing an independent commission to conduct the requisite investigation;

Noting that Republika Srpska, through President Cavic, delivered an undertaking to Ambassador Richard Prosper, US Ambassador-at-large for War Crimes, in October 2003 to co-operate fully in bringing to light the events surrounding the massacre in the interest of humanity and political/criminal accountability;

Recognizing that this is but the first step in a lengthy process of national reconciliation and towards a fitting closure to this lamentable chapter in the history of Bosnia and Herzegovina;

Recalling that on 15 October 2003, the High Representative declared that the commission to be established for the purpose of investigating the Srebrenica massacre should complete its task within six months;

Regretting that the Commission for Investigation of Events in and around Srebrenica Between 10th and 19th July 1995 ("Commission") was not, in fact, established by the Government of Republika Srpska until 15 December 2003;

Noting that the Commission was tasked with full authority to undertake all investigative and other actions with the aim of establishing the complete truth concerning the events in and around Srebrenica between 10th and 19th July 1995 and contributing towards lasting peace and confidence-building in Bosnia and Herzegovina, while acting in a transparent and accountable manner;

Recalling further that in a letter to President Cavic and Prime Minister Mikerevic dated 19 December 2003, the High Representative emphasized the importance of the work of the Commission and the support it enjoyed from the International Criminal Tribunal for the Former Yugoslavia;

Recalling furtherthat in said letter, the High Representative reiterated that NATO, in considering whether BiH has fulfilled the conditions for Partnership for Peace at the Istanbul Summit in 2004, has identified cooperation with ICTY, especially by the RS authorities, as a key requirement to be fulfilled if BiH is to be considered an applicant for PFP and that NATO has already indicated that it regards the work of the Commission as an important factor in making this judgment;

Noting that in said letter, the High Representative declared that any attempt by individual officials, irrespective of rank, at obstructing the work of the Commission would constitute a violation of law and would be attributed to the responsible minister;

Recalling that in its 1 January 2004 Decision establishing the Commission, the Government of Republika Srpska ordered its Justice Ministry, Ministry of Internal Affairs, Defense Ministry, the Intelligence and Security Service, the Army General Headquarters and the Secretariat for the Cooperation with International Criminal Tribunal for Former Yugoslavia "to provide their full support to the work of the Commission";

Being in receipt of the Preliminary Report of the Commission, dated 14 April 2004 ("Report");

Deeply distressed that the contents thereof rehearse a catalogue of obstructive behaviour on the part of particular officials of Republika Srpska, which obstruction has materially hindered the Commission's task of collecting critical information;

Convinced that such obstruction constitutes an obscene affront to the memory of the dead and a total disregard for the pain of the living;

Convinced further that such obstruction is in gross violation of the General Framework for Peace in Bosnia and Herzegovina and in total disregard of the commitments made by Republika

Srpska to the International Community;

Bearing in mind the totality of the matters hereinbefore and hereinafter set out, the High Representative hereby issues the following:

DECISION

To remove Mr. Dejan Miletic from his position as Head of Republika Srpska Secretariat for Relations with the International Criminal Tribunal in The Hague and Research of War Crimes

and to bar him from holding any official, elective or appointive public office and from running in elections and from office within political parties, unless or until such time as the High Representative may expressly authorize him so to do or to hold the same. Any entitlement to receive non-vested remuneration or any privileges or status arising out of his said position ceases forthwith.

This Decision has immediate effect and does not require any further procedural steps to be taken. Mr. Miletic must vacate his office immediately.

This Decision shall be published without delay in the Official Gazette of Republika Srpska.

REASONS FOR REMOVAL

Mr. Miletic holds the position of Head of Chief of Republika Srpska Secretariat for Relations with the International Criminal Tribunal in The Hague and Research of War Crimes ("Secretariat") . Given the tragic history of Bosnia and Herzegovina in the 1990's, this office is a particularly sensitive and crucial one. The holder is entrusted with the responsibility of diligently bringing to the fore events and facts surrounding the deaths and violent treatment of thousands during the War. In accepting this charge, the

officeholder assumes a fiduciary duty toward that segment of the population which suffered directly and/or indirectly from war crimes. He also discharges important obligations on behalf of Republika Srpska which affect the international commitments of Bosnia and Herzegovina. The successful prosecution of his tasks is essential to the integration of Bosnia and Herzegovina into Euro-Atlantic organizations.

The Report makes abundantly clear that the Mr. Miletic failed in his duties. Indeed, it may be concluded from the Report that the Secretariat over which he presided engaged in obfuscation and obstruction which hindered the Commission's ability to discharge its mandate effectively. According to the Report, the Secretariat produced to the Commission only 2047 pages of documents (one CD), of which only two of the documents pertained to the subject matter of the enquiry. The Report reveals that the Secretariat had received approximately 45 CDs from ICTY containing nearly 100,000 documents. Bearing this in mind, the Report concludes that the Secretariat was actively engaged in document concealment, given the few irrelevant documents it did produce.

Mr. Miletic has failed actively to supervise the Secretariat and to perform his functions in the manner expected of the holder of such office, particularly in an area of such importance and sensitivity as the investigation of the Srbrenica massacre.

The principles of proper governance and organizational responsibility, particularly in this case, are essential to the peace implementation process and to ensuring that Bosnia and Herzegovina's international commitments are fully observed. These have been eroded by Mr. Miletic's conduct and can only be restored by his removal forthwith from office.

Sarajevo, 16 April 2004

Paddy Ashdown
High Representative