Decision removing Mr. Dzevad Mlaco from his position as Delegate to the BiH House of Peoples and from his position in the Cantonal Assembly

To:	Mr. Dzevad Mlaco Member of the House of People of Bosnia and Herzegovina Middle Bosnia Cantonal Delegate

Sarajevo, November 29, 1999

Dear Mr. Mlaco,

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 held 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	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. Dzevad Mlaco from his positions as delegate to the BH House of People and from his position in the Cantonal Assembly; in order 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. Dzevad Mlaco 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,

- Under Mr. Dzevad Mlaco's term of office, the Bugojno Municipal authorities have failed to process claims under the Federation property legislation. Re-assessment of property implementation in Bugojno since Mr. Dzevad Mlaco's suspension is evidence that Mr. Dzevad Mlaco, in his capacity as Mayor, played an instrumental role in the work of the Housing Department and the administration as a whole.
- A report issued by the Federation Ombudsmen in close cooperation with OSCE and OHR points out widespread malpractice and misallocation of State-owned properties and called upon the Mayor to put a stop to all ongoing construction work immediately, pending the actions of the public attorney.
- Instead of taking the actions recommended in that report, Mr. Mlaco initiated a series of unsubstantiated attacks against the Institution of the Ombudsman, in an attempt to undermine that Institution.
- Noting the detrimental effect of ongoing non-compliance in Bugojno on developments and stability in the Middle Bosnia Canton, in a letter dated February 12, 1999, the High Representative and the OSCE Acting Head of Mission suspended Mr. Dzevad Mlaco from his office as Municipal Mayor and from any other elected office in the Municipality. Since then, Mr. Mlaco has continued to negatively influence the political live of this Canton, using his authority as a member of the Cantonal Assembly

and as Delegate to the House of People of Bosnia and Herzegovina.

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. Dzevad Mlaco from the positions of delegate to the Cantonal Assembly and to the House of People of Bosnia and Herzegovina.

The decision will be effective immediately and will not require any further procedural steps. His replacement to the House of People of Bosnia and Herzegovina will be elected by the Federation House of People, in accordance with the Constitution and laws governing this election. 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 to the Cantonal Assembly of Mr. Mlaco will be passed to the next candidate on his party’s 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