Decision removing Mr. Jusuf Zafiragic from his position of Minister of Justice, Canton of Sarajevo

To:	Mr. Jusuf Zahiragic Minister of Justice Canton Sarajevo

Sarajevo, November 29, 1999

Dear Mr. Jusuf Zahiragic,

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.

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 this power 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 the 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.Jusuf Zahiragic from his position of Minister of Justice, Canton Sarajevo 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 is final and binding and will be reviewed by the High Representative in due time.

Reasons for removal

Mr. Jusuf Zahiragic 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. Jusuf Zahiragic, in his position of Minister of Justice for Canton Sarajevo, has abused his authority to obstruct the implementation of property laws in the Canton by, for example, introducing legislation abolishing the Cantonal Housing Authority in December 1998.
- Mr. Jusuf Zahiragic used the influence of his office for personal benefit.
- Mr. Jusuf Zahiragic has repeatedly interfered with the independence of the judiciary by issuing instructions, warnings and interpretations to the Presidents of municipal courts I and II, as well as to individual judges and to prevent the execution of court ordered evictions.
- Although Mr. Jusuf Zahiragic publicly endorsed the Secondary Allocation Criteria and Procedures for the management of socially owned apartments at the Sarajevo Housing Commission, he then ensured that those procedures were overturned in a closed session of the Cantonal Government. Following intervention by the international community, the Cantonal Government passed the Procedures, however, even then Mr. Jusuf Zahiragic was instrumental in including an illegal clause, depriving those who had reclaimed but not returned to their apartments of their rights after 15 days.

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. Jusuf Zahiragic from the position of Minister of Justice Canton Sarajevo. The Decision will be effective immediately and will not require any further procedural steps

The position left vacant by Mr. Jusuf Zahiragic's removal will be filled in accordance with legal regulations. In order to protect the institution to which a replacement is to be appointed, 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 appropriate 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