Decision removing Zaharije Simicevic from his position as Head of the Housing Office of Bosanski Samac/Samac

Mr. Zaharije Simicevic
Head of OMI, Samac

Sarajevo, 07 September, 2000

Dear Mr. Simicevic:

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 November general elections or from holding appointed public office.

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. In particular, your failure to adequately implement property legislation has created an obstacle to the right to return and repossess property in Samac.

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 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 acknowledgment of such powers by the Peace Implementation Council in Chapter X of the Annex to the Madrid Declaration of 16 December 1998;

Furthering the future steps to accelerate implementation of the General Framework Agreement for Peace adopted by the Peace Implementation Council in the Declaration of the Peace Implementation Council, Brussels, 23/24 May 2000, particularly to accelerate return of displaced persons and refugees with a particular emphasis on enabling citizens to exercise their property rights and to ensure respect for and understanding of the establishment of the rule of law;

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 115 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. Zaharije Simicevic from his position as Head of OMI in Samac and to ban him from being a candidate for elected or appointed office unless authorized to do so.

This Decision has immediate effect.

Reasons for removal

Mr. Zaharije Simicevic 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. This agenda has been pursued despite constant interventions by relevant organizations within the International Community.

Mr. Zaharije Simicevic, in his capacity of OMI Head, has played a role in the obstruction by the municipality of Samac in the return of refugees through the blatant disregard for property legislation of the Republika Srpska, including: the non-issuing and non-implementation of decisions; irregularities in decision making; inappropriate referral to second instance; and harassment of claimants. In particular, Mr. Zaharije Simicevic has: canceled scheduled evictions; failed to cooperate with the International Community in solving double occupancy cases and providing lists of decisions and reinstatements; illegally reallocated private and socially-owned property; failed to implement CRPC decisions; verbally harassed applicants; and failed to inform prewar occupants when property is vacated. These abuses have been clearly documented in the Record of Violations and Interventions: Property Law Implementation in accordance with the Property Law Implementation Plan.

All of the above establish a disturbing and unacceptable pattern of serious and persistent attempts to obstruct the implementation of the General Framework Agreement for Peace. For these reasons, Mr. Zaharije Simicevic is hereby removed from the position of Head of OMI Samac. Removal will not preclude the possibility of future prosecution for the stated abuses. The decision will be effective immediately and will not require any further procedural steps. A deputy officer shall assume full responsibility for the functioning of the OMI until a successor is appointed.

Sarajevo, 07 September 2000

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

Office of the High Representative