

# Supervisory Order removing Mr. Djordje Popovic From his position in the Brcko District Polic

*In the exercise of* powers vested in the Brcko Supervisor by paragraphs 8, 10, 11, 13, 36 and 37 of the Final Award, dated March 5, 1999, of the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brcko Area ("the Brcko Tribunal") and by powers vested in the Brcko Supervisor by the previous rulings of the Brcko Tribunal, the terms of which were incorporated in the Final Award;

*Noting in particular* the powers of the Supervisor provided for in paragraph 24 of the Supplemental Award of the Brcko Tribunal dated March 15, 1998, that paragraph reading in relevant part that "The Supervisor ... shall enjoy in the Brcko area powers equivalent to those conferred upon the High Representative by the Bonn Conference of December 1997, including the power to remove from office any public official considered by the Supervisor to be inadequately cooperative with his efforts to achieve compliance with the Dayton Accords, to strengthen democratic institutions in the area, and to revitalize the local economy;"

*Recalling* paragraph XI.2 of the Conclusions of the Bonn Peace Implementation Conference held on December 9 and 10, 1997, providing that the High Representative (and therefore, pursuant to paragraph 24 of the Supplemental Award, the Supervisor) may issue "binding decisions, as he judges necessary ... [which] may include actions against persons holding public office;"

*Further recalling* paragraph X.4 of the Annex to the

Declaration of the Peace Implementation Council issued in Madrid on December 16, 1998, acknowledging that persons whom the High Representative (and therefore also the Supervisor) bans from public 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;”

**Noting** the critical importance placed by the Brcko Tribunal on the establishment of a professional, accountable, multi-ethnic, and democratically oriented police force in the Brcko District;

**Emphasizing** the importance of upholding the highest standards of professionalism and impartiality in the Brcko District Police, and in particular amongst its senior managers, which are essential to promote public confidence in the Brcko District Police as a multi-ethnic institution deserving the confidence of all residents of the Brcko District, as mandated by the Final Award;

**Noting** that the Disciplinary Commission was able to determine that there were solid grounds to terminate the employment of Mr. Popovic;

**Acknowledging** the two decisions issued by the Appellate Commission related to the decision of the Disciplinary Commission to terminate the employment of Mr. Popovic pointed out certain procedural flaws in the work of the Disciplinary Commission;

**Particularly noting** that the Appellate Commission’s decision on the disciplinary procedure outlining flaws by the Disciplinary Commission in the application of procedural provisions stated that “the Panel did not get into evaluating the grounds of other allegations made in the appeal because the Panel considered them irrelevant...”;

**Thankful** to both the Disciplinary Commission and Appellate

Commission for diligently executing their duties under the law;

**Convinced** that the substance of the Disciplinary Commission's decision remains well grounded as noted in my press statement of December 21, 2007;

**Concerned** that the lengthy process of readjustment of procedural flaws would further damage the morale and performance of the Brcko District Police during the proceedings;

**Further concerned** about substantiated reports of Mr. Popovic's official misconduct, lack of professionalism, inadequate professional performance, political intimidation, and attempts to undermine the authority of the Brcko Chief of Police on the part of members of the Brcko District Police and therefore harm the Police Institution as a whole;

**Regretting** that Mr. Popovic's conduct and behavior undermine efforts to achieve compliance with the Dayton Accords and to strengthen democratic institutions and the rule of law in the Brcko District;

**Believing** that the conduct of Mr. Popovic clearly demonstrates a pattern of performance, over a long period of time, which has caused serious damage to the reputation and performance of the Brcko District Police thereby requiring the termination of his contract and his removal from the Brcko District Police.

**Therefore, I hereby order:**

1. Mr. Djordje Popovic is hereby dismissed from each and every position he occupies in the Brcko District Police. All entitlement to receive non-vested remuneration or other emoluments arising out of his employment in said

positions ceases forthwith.

2. Mr. Djordje Popovic is permanently barred from holding any position in the Brcko District Police. He is further barred from being deployed on the territory of the Brcko District, and from having any supervisory, administrative, or operational authority over matters pertaining to the Brcko District, if he becomes employed by any other police body or other civilian or military public security service. This prohibition applies whether or not the public security service in question operates lawfully within the territory of the Brcko District; whether it is an agency administered by or under the auspices of the State or the Brcko District; and whether or not the public security service in question exists at the date of this Supervisory Order.
3. Mr. Djordje Popovic is barred from holding any position in any other Brcko District public institution, whether the position is official or unofficial, elected, appointed or otherwise. He is also prohibited from entering non-public areas of the offices of Brcko District public institutions.
4. For the avoidance of doubt, the provisions of this Order override all inconsistent legislation and legal acts to the extent necessary to give this Order full effect.
5. This Order has immediate effect without further procedural steps.
6. This Supervisory Order shall be published without delay in the Official Gazette of the Brcko District of Bosnia and Herzegovina. All public officials in the District shall take all necessary measures to ensure that it is executed in full.
7. This Supervisory Order is published in both English and the official languages of Bosnia and Herzegovina. In the event of inconsistency, the English language version is authoritative for all purposes.

## Reasons for this removal:

- A. Mr. Popovic has caused serious damages to the reputation and proper functioning of the Brcko District Police. He has committed serious breaches of the peace and public order, violated the Code of Conduct for Police Officers, and regularly engages in hostile and abusive behavior toward his fellow employees and citizens. He also has engaged in a sustained pattern of unprofessional conduct in an attempt to undermine the authority of the Brcko Chief of Police.
- B. Mr. Popovic has committed numerous, serious breaches of duty by filing false reports, by attempting to incite a fellow employee to give false testimony, and abusing sick leave and other employment policies in order to avoid his professional responsibilities.
- C. Mr. Popovic, through his own actions and inaction, has deliberately obstructed the investigation of disciplinary charges and the disciplinary proceedings brought against him.
- D. Mr. Popovic has used, or attempted to use, his relationships with political and judicial authorities to inappropriately influence disciplinary proceedings brought against him.
- E. Foreign security and intelligence services, acting on behalf of Mr. Popovic, have attempted to interfere in decisions of the Chief of Brcko District Police regarding disciplinary procedures against Mr. Popovic.
- F. Mr. Popovic's improper interference in disciplinary proceedings effectively prevents the application of sanctions as provided by law.
- G. Mr. Popovic's conduct and behavior undermines efforts to achieve compliance with the Dayton Accords and to strengthen democratic institutions and rule of law in the Brcko District.

Dr. Raffi Gregorian

Supervisor of Brcko

Principal Deputy High Representative