

Decision removing Mr. Nedzad Behram from his position of Head of Housing Department of Mostar Municipality Old Town

To: Mr. Nedzad Behram
Head of Housing Department
Mostar Municipality Old Town

Sarajevo, November 29, 1999

Dear Mr. Nedzad Behram,

For reasons outlined in the attached Decision, we herewith notify you of the following: under the power 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.

Wolfgang Petritsch
High Representative

Robert L. Barry
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. Nedzad Behram from his position of Head of Housing Department Mostar Municipality Old Town 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 has immediate effect.

Reasons for removal

Mr. Nedžad Behram 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. Nedžad Behram, in his capacity as Head of Housing Department Mostar Municipality Old Town, has personally obstructed the implementation of the Federation Property Laws. Mr. Nedžad Behram has failed to apply the law in the processing of claims for repossession and has seriously mismanaged vacant housing stock. Attempts to hinder progress in property law implementation include but are not limited to:

- Illegal reallocation of vacated apartments in late 1998 and 1999 to new Displaced Persons families and social cases and total disregard for the repossession claims concerning these apartments submitted by the pre-war occupants.
- Deliberate delays in solving Double Occupancy cases, particularly in the cases related to the internationally funded reconstruction project in Podveležje. Many beneficiaries of this project have not fully returned and continue to occupy properties in Mostar. Furthermore, repossession of the vacated properties by their rightful occupants remains almost zero.
- Deliberate misinformation of claimants about their rights and denial of the Housing Department's responsibility to address claims.

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. Nedžad Behram from the position of Head of Housing Department Mostar Municipality Old Town. The decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Nedžad Behram's removal will be filled by the Mayor in accordance with the legal regulations governing this appointment. In order to protect the institution to which a replacement is to be appointed, no further actions are to be taken by the appointing authorities until OHR and OSCE communicate that there are no objections and that the proposed name can proceed further through the executive and/or legislative processes.

Sarajevo, 29 November 1999

Wolfgang Petritsch
High Representative

Robert L. Barry
Chairman of the PEC
OSCE Head of Mission

Office of the High Representative