

Decision removing Mr. Kemal Brodilija from his position of Mayor of Kakanj

To: Kemal Brodilija, Mayor of Kakanj

Sarajevo, November 29, 1999

Dear Mr. Kemal Brodilija,

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
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 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. Nedžad 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. Kemal Brodilija 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. Kemal Brodilija, in his capacity of Mayor of Kakanj, has regularly obstructed the work of the Housing Department. In an attempt to avoid addressing his responsibilities towards return and implementation of property laws, Mr. Kemal Brodilija has consistently used all kinds of delaying tactics. Mr. Kemal Brodilija has neglected agreements made with the international community, in which he undertook to implement property legislation and has neglected deadlines posed therein. His administration is paralysed by his personal interference.

- Until August 1999 when a new Housing Secretary was appointed and for a period of six months, a very low number of property claims was processed. In September 1999 Mr. Kemal Brodilija instructed the new Housing Secretary to cancel all evictions and to stop issuing eviction orders. In October, Mr. Kemal Brodilija blocked positive decisions issued by the Housing Commission and replaced the Double Occupancy Commission created in September at the request of the International Community by a new Double Occupancy Commission of one person, a subordinate of the Housing Secretary.
- Mr. Kemal Brodilija continues to protect municipal officials suspect of corrupt activities, refusing to replace them in spite of the insistence of various international agencies.
- Mr. Kemal Brodilija has also failed to respect the 13 April 1999 Agreement signed with the International Mediator and the commitment to solve the property cases of the four HDZ municipal councillors by 30 September 1999.

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. Kemal Brodilija from the position of Mayor of Kakanj. The Decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Kemal Brodilija's removal will be filled by the Municipal Council within 30 days in accordance with the appropriate regulations. In order to protect the institution 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 further through the appropriate process.

Sarajevo, 29 November 1999

Wolfgang Petritsch
High Representative

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

Office of the High Representative