

Decision removing Mr.Krunoslav Kordic from his position of Mayor of Capljina

To: Krunoslav Kordic, Mayor Capljina

Sarajevo, November 29, 1999

Dear Mr. Krunoslav Kordic

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. Krunoslav Kordic from his position of Mayor of Capljina 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. Krunoslav Kordic 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.

In particular, in his capacity of Mayor, Mr. Kordic was responsible for the obstructive and intransigent record of the Capljina municipal executive authorities. Not only have the executive authorities persistently violated Federation Property Laws, they have also been contemptuous towards fundamental principles of the international Human Rights Laws that BiH is party to. The municipal authorities are also responsible for illegal activities with regard to the re-allocation and disposal of socially owned property, as shown by the Federation Ombudsmen report of June 1999. Additionally, Mr. Kordic has also obstructed minority return and the implementation of internationally funded reconstruction projects.

- The record on property implementation in Capljina is dismal. The municipality has yet to set up a municipal housing office to process property repossession claims. Not a single decision has been taken so far. The 15 September deadline given by the Head of OHR South to Mr. Kordic on 27 August 1999 has been ignored. By this deadline the Mayor was expected to establish a municipal housing department or delegate authority to an already existing department to process repossession claims. The municipality would have had to process the filed claims within 30 days from 15 September.
- Mr Kordic has to date also failed to implement the High Representative's instruction of 2 September 1999 ordering that separate facilities in existing schools be provided to Bosniak returnee children.
- Mr. Kordic has continuously obstructed the ability of the executive officials from the Coalition for a Whole and Democratic BiH to perform their duties. Both Bosniak Heads of Department have been denied access to documents relevant to their responsibilities. Of particular concern has been the concerted strategy of undermining the Department for Social Affairs and Refugees through the Center for Social Welfare. In February 1998, the Municipal Assembly adopted a decision on the Structure of the Municipal Administration, requiring that the Mayor promulgate the rules on the internal organization of the departments within 30 days. Over nineteen months have passed and the rules have yet to be promulgated.

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. Krunoslav Kordic from the position of Mayor of Capljina. The Decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Krunoslav Kordic's removal will be filled by the Municipal Council in accordance with the legal regulations governing this election. In order to protect the institution to which a replacement is to be elected, no further actions are to be taken by relevant authorities until OHR and OSCE communicate that there are no objections and that the proposed name can proceed further through the legislative 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