

Decision removing Mr. Miladin Pesic of the OMI in Srpsko Gorazde

To: Miladin Pesic, Head of OMI Srpsko Gorazde

Sarajevo, November 29, 1999

Dear Mr. Miladin Pesic,

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.

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. Miladin Pesic from his position of Head of the OMI in Srpsko Gorazde 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. Miladin Pesic 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, Mr. Miladin Pestic has consistently and deliberately abused his position as the OMI Head in Srpsko Gorazde in order to prevent pre-war residents to return to their properties. This has meant the totally dysfunctional nature of the OMI office. Specifically:

- Mr. Miladin Pestic issued a letter without any legal basis that the Bosniak Displaced Persons would not be allowed by any means to cultivate their lands in Srpsko Gorazde.
- Mr. Miladin Pestic refused to give relevant information for return of pre-war residents. This delayed any movement for 5 months. Once these details were released he then only issued information for non-priority return areas where there is no interest to return, the infrastructure is prohibitively expensive and the areas are heavily mined.
- Mr. Miladin Pestic stated that he could not issue decisions until such a time as he had access to the cadastre records in Gorazde. Once he was given access to these records he still did not activate the process of property repossession.
- Mr. Miladin Pestic has failed all deadlines to issue decisions and process implementation. Those decisions that he has issued are irrelevant and not the areas where people wish to return.

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. Miladin Pestic from the position of Head of OMI Srpsko Gorazde. The decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Miladin Pestic's removal will be filled 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 relevant authorities until OHR and OSCE communicate that there are no objections and that the proposed name can proceed.

Sarajevo, 29 November 1999

Wolfgang Petritsch
High Representative

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

Office of the High Representative