

Decision removing Branko Matic from his position of Minister of Internal Affairs of Canton 10 and banning him from holding any official or appointive public office

In the exercise of the powers vested in me by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall "Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation";

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid "by making binding decisions, as he judges necessary" on certain issues including (under sub-paragraph (c) thereof) measures to ensure the Peace Agreement throughout Bosnia and Herzegovina and its Entities which "may include actions against persons holding public office or officials who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation";

Noting the reiteration of the acknowledgment of such powers by the Peace Implementation Council in Chapter X of the Annex to the Madrid Declaration of 16 December 1998;

I hereby issue the following

DECISION

To remove Mr. Branko Matic from his position of Minister of Internal Affairs of Canton 10, and to bar him from holding any official or appointive public office unless or until such time as I may expressly authorize him to hold the same.

This Decision has immediate effect and will not require any further procedural steps. Mr. Matic must vacate his office immediately.

Reasons for removal

Since taking office on 14 July 2000, Mr. Branko Matic has abused his power by persistently and seriously obstructing the implementation of the General Framework Agreement for Peace. He has done so inter alia by consistently refusing to apply the laws of Bosnia and Herzegovina.

Despite repeated instructions both from the OHR and UNMIBH that he should comply with the High Representative's Decision of 30 June 1999 concerning neutral and non-offensive insignia, the Canton 10 Ministry of Internal Affairs, under Mr. Matic's authority persistently refuses to comply. On 16 October 2000 UNMIBH gave Mr. Matic a 15-day deadline for removal of non-neutral insignia from the Cantonal Ministry of Internal Affairs and related buildings as is required by law. UNMIBH addressed a letter to Mr. Matic reminding him of his obligation on 18 October 2000, and warned him once more to the same effect on 1 November 2000. However, Mr. Matic has failed to comply.

Under Articles V.10 and IX.7 of the Constitution of the Federation of Bosnia and Herzegovina, and point 5 of the Concrete Steps to be taken according to the Agreement on Restructuring the Police of the Federation of Bosnia and Herzegovina of 25 April 1996, the Cantonal Governments are required to ensure that the composition of the police reflects that of the population, according to the 1991 census. Moreover, on 12 May 2000 the Federation of Bosnia and Herzegovina and the Republika Srpska entered into an Agreement on Voluntary Redeployment of Police Officers. On 22 August 2000 an instruction was issued through the relevant organ of UNMIBH to the Ministry for

which Mr. Matic is responsible that such Ministry should hire 17 already-identified minority police officers by 30 September 2000. Despite such instruction the said Ministry failed to take action by such deadline. Mr. Matic must take ultimate responsibility for this failure. Eventually after several meetings Mr. Matic agreed to hire five officers each month for three months in succession namely on 1 November 2000, 1 December 2000 (and, in due course, 1 January 2001). As at 30 November 2000 no such officers had been hired.

According to Article 1 of Annex 11 of the Agreement on International Police Force (IPTF), the Parties to this Agreement are required to provide, in accordance with Article III.2 (c) of the Constitution of Bosnia and Herzegovina, a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards. The assistance of the IPTF to this end includes the development of policies by the IPTF Commissioner, to ensure the implementation of such international standards. On 10 November 2000, a joint IPTF/SFOR weapons inspection found caches of illegally stored weapons at the Livno Police Station and several other Ministry buildings. This was in violation of the UNMIBH/IPTF Commissioner's Weapons Policy of November 1, 1999. As the head of the Ministry, Mr. Matic must take ultimate responsibility.

The totality of the matters aforesaid establish a disturbing and unacceptable pattern of deliberate attempts to obstruct the implementation of the General Framework Agreement for Peace and are the reasons for my taking my aforesaid Decision.

Sarajevo, 01 December 2000

Wolfgang Petritsch
High Representative

Office of the High Representative