

Decision removing Mr. Kemal Terzic from his position of Head of the Municipality of Donji Vakuf

In the exercise of the powers vested in the High Representative 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 implementation of 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 that in paragraph X. 4 of the Annex to the Declaration of the Peace Implementation Council made at Madrid on 16 December 1998 it was stated that the Council acknowledged that leaders whom the High Representative bars from official office "may also be barred from running in elections and from any other elective or appointive public office and from office within political parties until further notice";

Bearing in mind the importance attributed to the return of refugees and displaced persons to their pre-war homes by the General Framework Agreement for Peace in Bosnia and Herzegovina and its Annexes;

Further bearing in mind that the return process is a vital and necessary factor in the establishment of a lasting peace in Bosnia and Herzegovina;

For the reasons hereinafter set out the High Representative hereby issues the following

DECISION

To remove Mr. Kemal Terzic from his position of Head of the Municipality of Donji Vakuf and to bar him from holding any official, elective or appointive public office and from running in elections and from office within political parties, unless or until such time as the High Representative may expressly authorise him to do so.

This Decision has immediate effect and will not require any further procedural steps. Mr. Kemal Terzic must vacate his office forthwith. Any entitlement to receive remuneration or any privileges or status arising out of his post as Head of the Municipality of Donji Vakuf will likewise cease immediately.

This Decision shall be published without delay in the Official Gazettes of the Federation of Bosnia and Herzegovina and of the Central Bosnia Canton.

REASONS FOR REMOVAL

Mr. Kemal Terzic has been Head of the Municipality of Donji Vakuf since 1990. He has abused his power by persistently and seriously obstructing the implementation of the General Framework Agreement for Peace.

Mr. Terzic has been categorically opposed to the creation of alternative accommodation, despite the positive legal obligation under the property laws to provide such accommodation. Despite the Municipal budget allocating large amounts of funds for the provision of alternative accommodation, Mr. Terzic has neglected to make use of such funds and this has had the direct affect of limiting the alternative accommodation thus further inhibiting the return process. Moreover, the Municipal Administration, under the leadership of Mr Terzic, has failed to supply accurate

and complete information regarding unclaimed apartments in the municipality, thereby further limiting the effective use of this resource for alternative accommodation.

Returnees who are entitled to possession of their properties face unacceptable delays in enforcing evictions. The Municipal Administration under Mr. Terzic's leadership protects many instances of double occupancy including those who have received reconstruction assistance from the International Community.

A recent increase of interest in returning to the Municipality of Donji Vakuf led to the formation of a multi-ethnic return association in October 2001. Mr. Terzic has systematically obstructed the work of this return association and has attempted to discredit its members. Various of his utterances and public statements both at meetings of the Municipal Council and in the media have been of a nature to actively discourage return to Donji Vakuf, and thus against the policy of returns mandated by Annex 7 of the General Framework Agreement for Peace.

Mr Terzic has effectively obstructed the implementation of the property laws, and should be held accountable for the slow pace of returns to the Municipality.

By reason of the matters aforesaid, Mr. Terzic has clearly acted in such a way as to obstruct the return of refugees and displaced persons. His conduct not only contravenes the Constitution of Bosnia and Herzegovina, and in particular Articles II.4, II.5 and III.2(c) thereof, but is also in violation of the Agreement on Refugees and Displaced Persons, namely Annex 7 of the General Framework Agreement for Peace.

It is clear from the totality of the matters aforesaid that Mr. Terzic has obstructed the implementation of the General Framework Agreement for Peace.

Sarajevo, 24 June 2002

Paddy Ashdown

High Representative