

Decision to remove Mile Pejcic from his position as Chief RS Ministry of Internal Affairs/Police Support Unit in Bijeljina

224/04

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 “[f]acilitate, 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”;

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”;

Mindful of the fact that the peace implementation process, which continues to be pursued under the aegis of the General Framework Agreement for Peace in Bosnia and Herzegovina, is not yet complete;

Noting that Bosnia and Herzegovina’s failure to meet its international obligations **vis-a-vis** the International Criminal Tribunal for Former Yugoslavia increasingly constitutes an obstacle to Bosnia and Herzegovina’s integration into Europe;

Further noting, by way of illustration, the Istanbul Summit Communiqué issued on 28 June 2004 by which the Heads of State and Government participating in the meeting of the North Atlantic Council expressed their concerns that Bosnia and Herzegovina, particularly obstructionist elements in the Republika Srpska entity, has failed to live up to its obligation to cooperate fully with ICTY, including the arrest and transfer to the jurisdiction of the Tribunal of war crimes indictees, a fundamental requirement for the country to join Partnership for Peace.

Recalling that the Steering Board of the Peace Implementation Council, at its meeting held in Sarajevo on 25 June 2004, noted that Republika Srpska has failed to locate or apprehend even one war-crimes indictee in the nine years since the Dayton Accord and emphasized that Republika Srpska an Entity of Bosnia and Herzegovina guaranteed under Dayton, is failing to carry out a key obligation under Dayton and international law, for which the relevant individuals and institutions must be held accountable;

Regretting that a number of persons indicted under Article 19 of the Statute of the International Criminal Tribunal for former Yugoslavia have been able, at least prior to the date hereof, to elude just prosecution, and that such elusion of just prosecution cannot have occurred without the assistance of other individuals and entities, whereby the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina has been obstructed;

Recalling that under Article II, Paragraph 8 of the Constitution of Bosnia and Herzegovina, all competent authorities in Bosnia and Herzegovina are legally obliged to cooperate with and to provide unrestricted access to the International Tribunal for the Former Yugoslavia and are further legally obliged, in particular, to comply with orders issued pursuant to Article 29 of the Statute of the Tribunal;

Recalling further all relevant resolutions of the Security Council of the United Nations and in particular Resolution 1503 of 28 August 2003 and Resolution 1534 of 26 March 2004 by which the Security Council called upon all States, especially Serbia and Montenegro, Croatia and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, [...] and all other indictees to the ICTY;

Appalled that certain individuals currently holding high public office in Republika Srpska are actively engaged in the provision of material support and sustenance to individuals indicted under Article 19 of the ICTY statute;

Ever conscious of the need to balance in due proportion the public good with the rights of individuals.

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

DECISION

To remove Mile Pejcic from his position as Chief RS Ministry of Internal Affairs/Police Support Unit in Bijeljina,

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 so to do or to hold the same. Any entitlement to receive remuneration or any privileges or status arising out of his post as Chief RS Ministry of Internal Affairs/Police Support Unit in Bijeljina ceases forthwith.

This Decision has immediate effect and will not require any further procedural steps.

Mile Pejcic must vacate his office immediately.

This Decision shall be published without delay in the Official Gazette of the Republika Srpska.

REASONS FOR REMOVAL

Mile Pejcic is a Chief RS Ministry of Internal Affairs/Police Support Unit in Bijeljina. He is involved in egregious criminal activities inimical to stability and the rule of law, some or all of which provide material support and sustenance to an individual indicted under Article 19 as aforesaid, namely Mr. Radovan Karadzic.

Mile Pejcic thereby obstructs the process of peace implementation and has to be removed from public office.

Sarajevo, 30 June 2004

Paddy Ashdown

High Representative