

Decision To remove mr. Radislav Jovičić from his current position in the State Investigation and Protection Agency of Bosnia and Herzegovina

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 (GFAP) 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”;

Recognizing that the entrenchment of the rule of law remains a key objective within the High Representative’s mandate to promote full compliance with the civilian aspects of the GFAP;

Mindful of the concern expressed by the PIC Steering Board, at its most recent meeting, about attempts to roll back previously agreed reforms and to undermine existing state level institutions;

Recalling the PIC Steering Board’s condemnation of actions and statements by BiH actors that pose a threat to OHR staff and noting that such actions and statements display open disrespect for the fundamental principles of the GFAP and are unacceptable;

Recalling further the PIC Steering Board’s full support for the High Representative and his ability to use the full range of his authorities to ensure full respect for the GFAP;

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 mr. Radislav Jovičić from his current position in the State Investigation and Protection Agency of Bosnia and Herzegovina

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.

Radislav Jovičić must vacate his office immediately and is barred from the date hereof from further entering the same. Any entitlement to receive remuneration or any privileges or status arising out of his post(s) ceases forthwith. This Decision has immediate effect and will not require any further procedural steps.

This Decision shall be published without delay in the Official Gazette of Bosnia and Herzegovina.

REASONS FOR REMOVAL

Radislav Jovičić operates outside of the legal chain of command within SIPA, which undermines the lawful functioning of the agency. Acting outside the legal chain of command and without proper authority, he has used SIPA personnel and resources to conduct surveillance of the Office of the High Representative and its staff.

As Radislav Jovičić has access to sensitive information in his current position with SIPA, there is a legitimate and well-founded belief that Radislav Jovičić cannot be trusted to maintain the confidentiality of that information because of serious and credible allegations that he has engaged in corrupt practices that include acceptance of payments in return for revealing confidential information. As a result, Radislav Jovičić has seriously undermined the integrity and professional credibility of SIPA.

Furthermore, Mr. Radislav Jovičić lacks the necessary qualifications for his current position and was selected for the position based on political considerations rather than legal criteria.

Based on the foregoing, I find that Radislav Jovičić has obstructed efforts to entrench the rule of law in Bosnia and Herzegovina and has directly threatened the implementation of the General Framework Agreement for Peace.

Sarajevo, 6 June 2009

*Dr. Valentin Inzko
High Representative*