Instruction on Exchange of Information Relating to the Sealing and Repossession of Property

1. *The Competent Authority*

The competent authority for the carrying out of the procedures set out in this Instruction shall be all Municipal Housing Offices (MHOs) in the Federation of Bosnia and Herzegovina, both for private and for socially owned property, all municipal offices of the Republika Srpska Ministry for Displaced Persons and Refugees (OMIs), and the Department of Displaced Persons, Refugees and Housing Issues of the Brcko District (hereinafter "the competent authority").

2. *The Municipal Report*

The competent authority shall keep records regarding all property within their jurisdiction that has been vacated and sealed and/or repossessed (hereinafter "sealed / repossessed property"). This information shall be entered into the "Municipal Report – Sealed and Repossessed Property" (Op}inski izvje{taj – zape~a}ena i vra}ena imovina) (hereinafter "Municipal Report") annexed to this Instruction, containing the following information regarding each case:

A. Sequential number corresponding to each sealed/repossessed property;

B. The first name of the occupancy right holder or owner (hereinafter "ORH/owner") of the sealed/repossessed property;

C. Name of the father of the ORH/owner of the sealed/repossessed property;

D. The last name of the ORH/owner of the sealed/repossessed property;

E. JMBG number for the ORH/owner of the sealed/repossessed property;

F. Full address of the sealed/repossessed housing unit (municipality, place, pre-war street name, current street name, pre-war street number, current street number, zip code);

G. Type of property (house / socially-owned apartment / private apartment / private business premises / socially-owned business premises);

H. Date on which ORH/owner was notified that property was vacant and/or sealed;

I. Date property was sealed;

J. Date property was repossessed;

K. Claim number;

L. Claim date;

M. Administrative Decision number;

N. Administrative Decision date;

O. CRPC decision number (if applicable);

P. Status of property (destroyed / reconstructed / habitable);

Q. Full address of the returning ORH/owner's address of current displacement (country, municipality (in BiH), city (if abroad), street name, street number,);

R. Any other remarks (should include available details such as name, father's name, current address of the pre-

war ORH/owner of the temporary residence specified under point Q. of this paragraph).

3. *Taking information from the ORH/owner*

When filling in the Municipal Report, the competent authority shall obtain from the ORH/owner of the sealed / repossessed property information on any parents, children, or members of the 1991 family household of the ORH/owner who are living at an address different from that of the ORH/owner. In such cases, full information (points A. through R. of paragraph 2 of this Instruction) shall be entered for each separate address of current displacement occupied by one or more parents, children or 1991 family house hold members of the ORH/owner on a different line but beginning with the same sequential number as that used in reference to the ORH/owner.

The competent authority shall seek any documentary confirmation (from the OHR/owner) verifying the accuracy and completeness of the information given by the ORH/owner. Documentation can include but is not limited to identification documents issued by the state of Bosnia and Herzegovina or any administrative body in either Entity or Brcko District, and any other document which shows the ORH/owner's identity. In the case that the ORH/owner presents a "Confirmation of Current Address Form" (Potvrda o privremenom boravku, POPB) (hereinafter "CoCA Form"), as described in paragraph 9 of this Instruction which has been stamped by the competent housing authority of the ORH/owner's municipality of current displacement (as defined in paragraph 6 of this Instruction), the competent authority shall use the CoCA Form to fill in the Municipal Report. In case no documentation is available, the competent authority shall fill out the Municipal Report on the basis of the statements of the ORH/owner.

Under no circumstances shall the competent authority be permitted to impose conditions for the repossession of property by the ORH/owner other than those set out in law.

4. *Entry and Storage of Data in Municipal Report*

The competent authority shall, whenever possible, enter and store the Municipal Report, as set out in this Instruction, in electronic format. Otherwise, the information shall be entered and stored by the competent authority using paper copies of the Municipal Report.

5. *Completion of Municipal Report*

If stored electronically, all cases of sealed/repossessed property in the jurisdiction of the competent authority shall be entered into a single electronic file. If the relevant dates under paragraph 2, points H, I or J of this Instruction are not known, but the specified action has occurred, "X" shall be marked in the relevant spaces of the Municipal Report.

If paper copies of the Municipal Report are used, one copy of the Municipal Report shall be separately kept by the competent authority for each municipality of current displacement of OHR/owners of the sealed / repossessed properties and their parents, children or 1991 family household members, where applicable.

6. *Exchange of Municipal Reports*

On a weekly basis, the competent authority shall forward by fax or direct post updated Municipal Reports directly to the competent housing authorities in each municipality of current displacement of any ORH/owner whose property has been sealed or repossessed within the jurisdiction of the competent authority, as well as of every parent, child, or 1991 family household member of that ORH/owner who is occupying a property in BiH other than that occupied by the ORH/owner. The competent housing authorities to receive this information may be any Municipal Housing Offices (MHOs) in the Federation of Bosnia and Herzegovina, both for private and for socially owned property, any municipal offices of the Republika Srpska Ministry for Displaced Persons and Refugees (OMIs), or the Department of Displaced Persons, Refugees and Housing Issues of the Brcko District.

Where possible, the Municipal Report information should be 'filtered' electronically so that the competent housing authorities receive only information regarding persons currently displaced in their jurisdiction. If the competent housing authority does not have access to a computer, a paper copy of the updated Municipal Report shall be stamped by the competent authority and faxed or posted directly to the competent housing authorities in each municipality of current displacement of any ORH/owner whose property has been sealed or repossessed as well as of every parent, child, or 1991 family household member of that ORH/owner who is occupying a property in BiH

other than that occupied by the ORH/owner.

7. Transfer of Municipal Reports to PLIP Focal Point

On a bi-weekly basis, the competent authority shall make availableupdated copiesof all Municipal Reports sent to all other competent housing authorities that two-week period to the designated local representative of the international community (hereinafter ”PLIP Focal Point”). The PLIP Focal Point shall transfer all municipal reports received from competent authorities for each two-week period to the Commission for Real Property Claims of Displaced Persons and Refugees (hereinafter “CRPC”) on a bi-weekly basis.

8. Transfer of Municipal Reports to Regional, Cantonal, and District Bodies

On a bi-weekly basis, the competent authority shall forward by fax or direct post updated Municipal Reports directly to the competent Cantonal Ministry in charge of housing issues of the Federation of Bosnia and Herzegovina, the competent regional Information-Operations Center (IOC) of the Ministry for Displaced Persons and Refugees of Republika Srpska, or the competent Department(s) of the Brcko District (hereinafter “Regional, Cantonal, and District Bodies”). This transfer will take place as follows:

A. MHOs in the Federation of Bosnia and Herzegovina, both for private and for socially owned property shall transfer all municipal reports exchanged each two-week period under paragraph 6 of this Instruction to all competent Regional, Cantonal, and District Bodies, as defined in this paragraph, that oversee the work of the municipal competent authorities to whom municipal reports were sent directly during that two-week period.

B. OMIs of the Republika Srpska shall transfer all municipal reports exchanged each two-week periods under paragraph 6 of this Instruction to all competent Regional, Cantonal, and District Bodies, as defined in this paragraph, that oversee the work of the municipal competent authorities to whom municipal reports were sent directly during that two-week period.

C. The Department of Displaced Persons, Refugees and Housing Issues of the Brcko District shall transfer all municipal reports exchanged each two-week period under paragraph 6 of this Instruction to all competent Regional, Cantonal, and District Bodies, as defined in this paragraph, that oversee the work of the municipal competent authorities to whom municipal reports were sent directly during that two-week period.

The Regional, Cantonal, and District Bodies, as defined in this paragraph, shall forward the municipal reports received under this paragraph to the competent District, Entity and State Ministries. These Ministries shall include the Federation Ministry for Urbanism and Spatial Planning, the Federation Ministry of Social Policy, Refugees and Displaced Persons, the Republika Srpska Ministry for Refugees and Displaced Persons and Refugees, the Brcko District Department for Refugees and Displaced Persons, the Brcko District Department for Public Registry, and the BiH Ministry for Human Rights and Refugees.

9. CoCA Form

The competent authority in the municipality of current displacement shall provide that copies of the CoCA Form, annexed to this Instruction, shall be made available in the office of the competent authority to be picked up by any person during normal working hours. The competent authority shall further verify the accuracy of the information entered into a CoCA Form upon the request of any person whose address of current displacement is within the jurisdiction of the competent authority. Specifically, the competent authority shall check the information in the form against all available information in its records and clarify or correct any discrepancies. Upon completion of this checking process, the competent authority shall stamp the form and return it to the person who submitted it.

10. Action on Receipt of Municipal Report

Upon any receipt of a Municipal Report from the competent authority of any other municipality in BiH under paragraph 6 of this Instruction, or any Regional, Cantonal, or District Body, as defined under paragraph 8 of this Instruction, the competent authority in the municipality of current displacement shall:

A. evict, in accordance with law, any person who has access to residential property repossessed by or otherwise accessible to either themselves, their spouse, their parents or children, or any member of their 1991 family household, but who is continuing to occupy other people’s property in the municipality of current displacement;

B. evict, in accordance with law, persons who have repossessed business premises, provided it is established that they have sufficient disposable income to provide for their own accommodation, and continue to occupy other people's property in the municipality of current displacement;

C. seal, in accordance with law, any property vacated as a result of actions taken under points A. and B. of this paragraph notify the ORH/owner that his/her property has been sealed, and take any steps required by law in case the property has not been claimed;

D. record in a Municipal Report sealing/repossession of property under point C. of this paragraph and take all further necessary actions as set out in paragraphs 2 through 7 of this Instruction;

E. notify in writing the body that sent the Municipal Report information necessitating steps taken under this paragraph of the specific steps taken under points A through D of this paragraph; and

F. take all further necessary steps in accordance with the law to facilitate the exchange of information relating to sealed and repossessed property.

11. ***Reporting***

The CRPC shall issue monthly reports on the implementation of this Instruction to all competent District, Entity, and State Ministries; as well as all Regional, Cantonal, and District Bodies, as defined in paragraph 8 of this Instruction; and to all PLIP Focal Points. The Regional, Cantonal, and District Bodies, as defined in paragraph 8 of this Instruction, shall forward the monthly reports to all competent authorities, as defined in paragraph 1 of this Instruction.

12. ***Manuals and Instructions***

In order to make the database operational and the information exchange functioning, corresponding manuals and instruction on use of the database shall be issued.

13. ***Forms***

The forms regulated by this Instruction are enclosed and are its integral part.

14. ***Entry into Force***

This Instruction will enter into force on the day of publishing in the Official Gazettes of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, and the Brcko District.

Notwithstanding this provision, all information on sealed / repossessed property, as defined in paragraph 2 of this Instruction, that was transferred by competent authorities, as defined in paragraph 1 of this Instruction, prior to the entry into force of this Instruction, should be acted on by the receiving competent authority as set out in paragraph 10 of this Instruction.

Signed by

Min. Mićo Mićić,
Min. Ramiz Mehmedagić,
Min. Krešimir Zubak
Mijat Tuka, Fed Min for Soc. policy, Refugees and DPs
Sinisa Kisić, Mayor in the Brčko Government in Brčko District