

Information Sheet 3-Further Recourse for People Claiming Repossession of Apartments in the Federation of Bosnia and Herzegovina

New Federation laws on property and housing came into force in April 1998. (More information is contained in Property Information Sheets [No. 1](#) and [2](#)). These laws created a procedure for filing claims for repossession of apartments declared abandoned after 30 April 1991. Under the procedure, claimants are required to file a claim with the municipal housing authority in the place where their apartment is located (or, in Sarajevo, with the municipal branch of the cantonal authority). Claims for socially-owned apartments must be filed by 4 October 1998 (there is no deadline for filing claims for private property).

Many people who have filed claims with the municipal authority have not received a decision within the statutory deadline of 35 days. Some have received a decision and wish to challenge it. Other people have been unable to file a claim for various reasons. Many people have encountered problems with the claims process in areas throughout the Federation, particularly delays in decision-making. The international community is intervening to ensure that these problems are addressed by the responsible authorities. It is hoped that through these interventions many of the existing shortcomings in implementing the laws will be remedied. In the event the process at the municipal level is not sufficient, however, you should be aware of the further steps that you may take. The options described here are not exclusive, and you may wish to use one or more of these possibilities to seek redress.

1. Lodging an appeal with the Canton

If you have received an unsatisfactory decision from the municipality, you are entitled to appeal against it. Many claims lodged with the municipality are not decided within the 30-day time limit. However, decisions made after the time limit are still valid. Under the *Law on the Cessation of Application of the Law on Abandoned Apartments*, any appeal against a decision must be submitted to the cantonal ministry responsible for housing affairs within 15 days of receiving the decision. If you need help in lodging an appeal, you should seek advice from a lawyer or legal aid centre.

2. Filing a claim with CRPC

The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) was created under the Dayton Peace Agreement as an international body with a mandate to receive and determine property claims. The new laws expressly state that CRPC has power to make final and binding decisions on claims for apartments with an occupancy right. For people who are unable to obtain relief through the local organs, the Commission serves as a backup mechanism at second instance.

The following paragraphs explain when CRPC will accept and decide claims for socially owned apartments in the Federation. CRPC is also accepting claims for all socially-owned apartments in the Republika Srpska, but it will not make any decisions on these claims until new RS property laws are passed.

If you had a pre-war occupancy right to an apartment in the Federation, you will be entitled to file a claim with CRPC at second instance. This means that if you have not filed any claim before, you FIRST must try to file a claim with the responsible municipal housing authority, using the procedure prescribed in the Law, before coming to CRPC. Claim forms and instruction sheets are available at all municipal housing offices in the Federation, as well as at all CRPC, OHR, UNHCR, and UN/IPTF offices throughout Bosnia and Herzegovina.

If you are unable to file a claim in person with the relevant municipal authority, you should file it by post, using registered mail, sending it to the responsible authority in the area where the apartment is located. It is preferable if you can arrange for it to be posted in the Federation ? but if that is not possible, you can post it from any post office in BiH or abroad. You must obtain a receipt from the post office for the mail registration. Make sure that the receipt contains the date and a short description of the claim and any other documents sent.

After attempting to file with the municipal authority at first instance (by mail or in person), you are entitled to file a claim with CRPC in the following cases:

- if you have made reasonable efforts to file a claim with the responsible authorities, but were prevented from doing so. You can prove this by showing you filed a claim with the authority using registered mail (posted from either Entity, OR from abroad), but you have not received a decision within 45 days (this date is specified in CRPC's Rules; it is not mentioned in the law);
- if you have filed a claim in person with the municipal authority, and you have not received a decision within 45 days; or
- if you have received a decision from the municipal authority, and you are not satisfied with it; or
- if you have filed an appeal with the Canton, as permitted under the Law: and you have not received any decision (or you have received an appeal decision and you are not satisfied with it).

A claim to CRPC for an occupancy right must be filed in person. This means either the occupancy right holder or a member of his/her family household, or an authorised representative (who has a valid power of attorney). Claims can be filed at any of CRPC's regional offices, in Bosnia and Herzegovina, or at claims offices abroad (1). The claim can be filed at any CRPC office, regardless of where the property is located.

If you wish to appeal to the Canton (see above), you can file a claim with CRPC either at the same time or after filing with the Canton. If you have previously filed a claim with CRPC for an apartment in the Federation, it is not necessary to file with CRPC again. CRPC will render a decision in due course. Your claim to CRPC is deemed to be a valid claim which falls within the deadline set by Federation law.

3. Other options

The *Law on Administrative Procedures* permits people to take action in cases where domestic authorities or officials fail to perform their duties in accordance with the law. Among other things, if you have not received a decision within the legislative time-frame, or there has been some other incorrect handling of your case, these provisions may apply. You should seek legal advice if you wish to use these provisions in your particular case.

For further information about claims for apartments, please contact any legal aid centre or international organisation (OHR, UNHCR, OSCE, UNMIBiH) or the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), or consult one of the information sheets issued by these organisations.

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1. CRPC issues separate information sheets on its procedures and requirements. CRPC Regional offices are in: Sarajevo tel: +387 (71)615 808; Mostar tel: +387 (88)322 553; Lukavica tel: +381(71)672 008; Tuzla tel: +387 (75)239 560; Banja Luka tel +381 (78)47 718; Brcko tel: +387 (76)205 572. In Montenegro, FRY: tel +381 81 622 380. In Berlin, Germany: +49 30 397

33 727; in Norway tel: 800 410 42.