Anti-Looting Leaflet – Federation of BiH

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If you wrongfully remove personal property or fixtures from an apartment/real property and willingly cause damage to the property when you vacates it either voluntarily or by eviction, then you seriously violate the law and will be prosecuted and can be fined or imprisoned !

'Whoever damages, destroys or renders unserviceable any property belonging to another shall be fined or punished by imprisonment for a term not exceeding six months.' Article 281 Criminal Code, FBiH

What can I do to prevent looting of my apartment / real

property ?

First of all you must ensure that following documents are available:

- *The Municipality was obliged to take detailed Minutes of the handing over of the apartment/real property to the temporary user at the time it was declared abandoned, including its contents and a detailed description of its current state. Ask for the Minutes in the Municipality and take a copy for yourself!*
- *If the Municipality claims not to have such Minutes from the time the property was declared abandoned or in case this has never been done, the Municipality is obliged to:*

Conduct an inspection of the apartment or real property and take Minutes of the state of the property and the possessions contained therein at the time that the decision on your claim is made. Ask for this in the Municipality!

How to prevent looting:

- ***Ask the Municipality to warn the current occupant not to loot the property. This warning should be stated in the decision that the current occupant and yourself receive in which the current occupant also gets a deadline to move out of your property.***
- ***In case your property has been reconstructed and the keys handed over, move back in immediately to prevent looting. You are not going to receive any further assistance from the International Community in cases where the house is now damaged because you have not move in.***
- ***The Local Police is required to patrol the area and respond to your calls for assistance.***

In case your property was looted:

- ***If you have pre-war pictures of your property keep them. If your property has been looted, take pictures of the property as soon as you repossess it.***
- **Report it to the police and prosecutor. The police are obliged to gather information if there is suspicion of a crime and to charge anyone suspected of having stolen / removed / damaged the property of others. The prosecutor is also obliged to initiate proceedings if there is evidence that a crime has been committed.**

- **In addition to seeking criminal prosecution of the perpetrator, you also have the option to file private charges. Private charges can lead to an award of compensation.**

I have to move out of somebody else's property – what should I know ?

- *To prevent being wrongfully accused of looting, make sure that, when you move out, you immediately hand over the keys to the responsible body and get the minutes of repossession by the housing authorities. The minutes should state that you left the property in proper shape. The property should then be sealed. This will also prevent other people entering the property after you have left. If you do not take these steps, you risk being held criminally responsible for looting committed by others after you left.*
- *If there is a dispute over the movable property (e.g. furniture) in the property, the dispute can only be settled in court. You will have to prove that the movable property is yours. You are not allowed to remove movable property before the court makes a decision. And you can start the court procedure only after the occupancy right holder/ owner has repossessed the apartment/ house.*
- *If you invested some money for the purpose of necessary reconstruction of the apartment/ house you have the right to reimbursement through a procedure before the court. The court procedure can only start after the occupancy right holder/ owner has repossessed the apartment/ house. You have to prove your investments.*