

**OFFICE OF THE
HIGH REPRESENTATIVE**

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30 January 2003

Mr Atif Džafo
Speaker of the Municipal Council Vogošća
Municipal Council Vogošća
Canton Sarajevo
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2003/647

Dear Mr Džafo,

I refer to your letter of 13 June 2002 requesting a written waiver from the High Representative's Decision of 27 April 2000 that bans the reallocation of state owned property, including former socially-owned property.

In particular, you request this office to allow the Municipality of Vogošća to allocate by direct agreement one plot of undeveloped town construction land, registered in the land books as cadastral unit 671/33, called "Smrekova njiva", covering the area of 585 m², land record number 184, cadastral municipality of Koševo, to Investor Bešlija Emgijad from Vogošća for the purpose of construction housing premises.

The land books records that you enclose demonstrate that the above mentioned cadastral number refers to state-owned undeveloped town construction land, and that the right of the land use rests with Ms Delić Fata with 1/7 share together with 26 other users registered in the land books records.

All previous registered user agreed through proxy with the proposed land allocation to Bešlija Emgijad in their statement for the Minutes of the public hearing number 06-31-3265/02 of 15 January 2002.

Based on Articles 47 and 48 of the Law on Construction Land, the Municipal Council of Vogošća approved the land allocation in question by its Decision number 01-31-3265/01 of 27 February 2002, while the Department for urbanism, spatial planning, communal affairs and construction of Vogošća Municipality issued the urban permit for the proposed construction by its Decision number 05-23-1718/01 on 3 September 2000. The Municipal Public Attorney, Mr. Adem Sjenar, who states in his letter number 10-08-82/02 of 5 April 2002 that the proposed allocation is in accordance with all relevant laws and regulations, also approved the land allocation in question.

According to the Municipal Council's Decision of 27 February 2002 and based on Article 2 of the Decision on reduction of compensation for allocated city construction land and compensation for development of the city construction land for housing, the Investor is exempted from payment of land allocation compensation.

Mr Bešlija Emgijad will be registered in the land books as the new user of the land in question upon the enforcement of the Municipal Council's Decision.

In light of the information that you have provided, this office authorises the Municipality of Vogošća to allocate the aforesaid land for the purpose described above.

To the extent that this waiver is granted on the basis of the validity of the documentation you have provided, this waiver shall itself cease to be valid if a court of competent jurisdiction, under a final and binding decision, brings into question the authenticity or accuracy of this documentation, and/or the information that it contains.

This waiver is also granted on the understanding and condition that the beneficiary named above, inasmuch as he himself or his immediate family members are users of abandoned/claimed property, he and/or his immediate family members will, in a period of not more than 60 days from your receipt of this decision, fully vacate this property. In addition, within the period stated, he must provide to your office correct documentary evidence, approved by the relevant housing body, that he himself and/or immediate family members have fully vacated all such property, and that the property remains in a habitable condition. Inasmuch as these conditions are not met, this waiver ceases to be valid immediately upon the expiry of the period stated.

Sincerely,



Ambassador Peter Bas - Backer
Deputy High Representative for Return and Reconstruction