

**OFFICE OF THE  
HIGH REPRESENTATIVE**

Emerika Bluma 1. 71000 Sarajevo  
Tel: 387 33 283 500 Fax: 387 33 283 501

3 June 2002

Mr. Dragoljub Budimir  
Assistant Mayor  
Municipality of Vogosca  
Sarajevo Canton  
Federation of Bosnia and Herzegovina  
Bosnia and Herzegovina

OHR-RRTF/LA/2002/448

Dear Mr. Budimir,

I refer to your letter of 6 March 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 Vogosca to allocate one plot of land, registered as cadastral unit 118/4, covering the area of 85 m<sup>2</sup>, cadastral municipality of Gornja Vogosca, to Mr. Hasim Merdic for the purpose of building a business premise next to the existing housing-business premise.

The land books records that you enclose demonstrate that cadastral unit 118/4 was created by parceling of cadastral unit 118/1, which holds the status of real estate in general usage. However, the here enclosed Municipal Council's Decision number 01-31-425/00 of 3 October 2000, which was adopted on the basis of Article 14 of the Law on Usurpations and Article 62 of the Vogosca Municipality Statute, states that cadastral unit 118/4 has lost its status of real estate in general usage and instructs the Municipal Court I in Sarajevo to register the land plot in question as state owned property disposed of by the Municipality of Vogosca. The new registration is confirmed by the here enclosed land book record 2516.

The enclosed cadastral records, on the other hand, demonstrate that cadastral unit 118/4 is registered as socially-owned and undeveloped construction land and that the right of the land use and possession rests with the Municipality of Vogosca. Neither the land books records nor the cadastral records show any other user registered.

Based on Articles 47 and 48 of the Law on Construction Land, Article 13 of the Construction Land Decision and Article 62 of the Vogosca Municipality Statute, the Municipal Council of Vogosca confirmed the allocation of cadastral unit 118/4 to Mr. Hasim Merdic by its here enclosed Decision number 01-31-425/00 of 26 December 2000. In addition, Municipal Public Attorney, Mr. Adem Sjenar, stated in his opinion number 10-08-13/02 of 24 January 2002 that the relevant laws and regulations had been complied with.

The beneficiary's request for an urban permit was approved by the enclosed Decisions of the Municipal Department for Urbanism, Spatial Planning and Utilities, number 05-23-592/00 of 11 May 2000 and number 05-23-592/00 of 27 March 2001.

With respect to the issue of compensation, the Municipal Council's Decision of 26 December 2000 obliges the beneficiary to pay the land allocation compensation of 388.56 KM.

In light of the information that you have provided, this office authorizes the Municipality of Vogosca 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.

Sincerely,



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