

Human Rights Chamber Decisions

Among the conditions which Bosnia and Herzegovina must satisfy before it can become a member of the Council of Europe, one of the most important is that the Entities respect and implement the decisions of the Human Rights Chamber.

The largest number of Chamber decisions so far, over 100, relate to military apartments. The implementation of these decisions is the responsibility of the Federation Ministry of Defense.

These decisions relate to the contracts of sale of apartments made by the SFRY authorities in 1991 and 1992. The purchasers of the apartments were not just JNA officers, but also civilian employees of the Ministry of Defense and the Army, as well as pensioners and their families. Many of these individuals were citizens of the Republic of Bosnia and Herzegovina, and many of them continued to live in their apartments throughout the conflict.

The Human Rights Chamber found that these contracts were legally binding, and that it was illegal for the Republic of Bosnia and Herzegovina to cancel them. Whatever disputes may exist between BiH and FRY concerning these apartments, the individuals who signed the contracts on sale obtained rights which must be respected. They must be given the opportunity to become registered in the property book as owners of the apartments, without being forced to pay a second time.

Even though the Human Rights Chamber ruled on this question more than two years ago, the Federation Ministry for Defense has not yet taken any constructive steps to solve this problem. Instead, it has consistently refused to allow the Federation property laws to apply to military apartments. It

has also used military police to harass civilians living in the apartments, in a highly illegal fashion.

To implement the Chamber decisions, the Federation must revoke the laws and decrees which canceled these contracts on sale, and cooperate in the process of registering the purchasers as owners. The solution should not be difficult to achieve. The High Representative will be extremely disappointed if this issue delays Bosnia and Herzegovina's membership in the Council of Europe.