

**OFFICE OF THE
HIGH REPRESENTATIVE**

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31 October 2002

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/2002/588

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 land, registered in the land books as cadastral unit 786/21, called "Dzindino brdo", covering the area of 175 m², land record number 635, cadastral municipality of Gornja Vogošća, to Investors Mulaahmetović Nedžad, Rabija and Mirsad for the purpose of expanding of the existing housing business premises.

The land books records that you enclose demonstrate that the above mentioned cadastral number refers to socially-owned undeveloped city construction land and that the right of the land use rests with Mr Škrobanović Adem who agreed with this land reallocation in his official statement of 10 January 2002. You also enclose the Contract on purchasing the rights to the real property in Vogošća of 28 April 1999 according to which Investor Mulaahmetović Rabija buys the land with the right to land use from previous user Škrobanović Adem. The Investor paid a full purchase price.

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 01-31-736/01 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 05-23-154/00 of 15 September 2000. The Municipal Public Attorney, Mr. Adem Sjenar, who states in his letter number 10-08-83/02 of 5 April 2002 that the allocation is in accordance with the relevant laws and regulations, also approved the land allocation.

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 Investors are

exempted from payment of land allocation compensation, while the compensation for the business part of facilities (rent) will be paid pursuant to the Contract between the Investor and Vogošća Municipality.

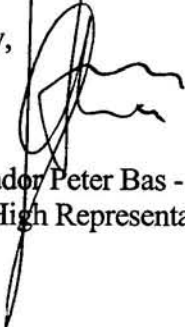
Mulaahmetović Nedžad, Rabija and Mirsad will be registered in the land books as the new users of the land in question upon the enforcement of the Municipal Council's Decision.

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