

UNOFFICIAL TRANSLATION

Official Gazette BH no. 22/99 of 15 December 1999

On the basis of Article 16 of the Law on Council of Ministers of Bosnia and Herzegovina and the Ministries of Bosnia and Herzegovina (Official Gazette BH no. 4/97), the Council of Ministers of Bosnia and Herzegovina, on its 14th session held on 1 July 1999, issued

INSTRUCTION ON THE RETURN OF BOSNIAN REFUGEES AND DISPLACED PERSONS TO/WITHIN THE TERRITORY OF BOSNIA AND HERZEGOVINA

I. BASIC PROVISIONS

1. In accordance with Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina, all refugees and displaced persons have the right freely to return to their homes of origin in safety and with dignity.
2. This Instruction shall regulate the return of Bosnian refugees and displaced persons to/within the Territory of Bosnia and Herzegovina (hereinafter: BH), the involvement of the Ministry for Civil Affairs and Communication (hereinafter: the Ministry), Diplomatic-Consular Representations abroad, the Federation and Republika Srpska bodies in charge of displaced persons and repatriates' issues, as well as describe the role of UNHCR and/or other institutions involved in the return of Bosnian refugees as approved by the Ministry.
3. The Department for Refugees within the Ministry (hereinafter: RD) shall ensure an appropriate information system and flow of reports between the Entities (i.e. respective bodies established for the return of displaced persons and BH refugees), as well as with the Diplomatic-Consular Representations, UNHCR and any other institution involved in the return of Bosnian refugees as approved by the Ministry. The RD shall consolidate the Entities' databases and ensure the exchange of the data between the two Entities, as well as ensure the data entry of Voluntary Return Applications received from Bosnian refugees abroad if not forwarded electronically. The RD shall meet with representatives of the bodies established at the Entity level, as well as UNHCR and other institutions involved in the return process on a monthly basis. The RD shall also perform a supervisory role in relation to data quality assurance, standards of data quality and integrity, such as record correction and mass data correction in co-operation with the Entities. The RD shall also be responsible for future database program changes.
4. In order to ensure a smooth and speedy information flow, the Return Application Database System (hereinafter: RADS) should be used to the extent possible.

II. ORGANISED RETURNS

5. Bosnian Refugees who opt for voluntary return in an organised way register with the Diplomatic-Consular Representations in the host country, or in the absence of such representation in the host country, with UNHCR or any other institution involved in the return of Bosnian refugees as approved by the Ministry. The follow-up mechanism of registrations shall

be regulated by this Instruction, as well as by the respective Entity Instructions (i.e. the Federation of Bosnia and Herzegovina; the Republika Srpska).

A - SUBMISSION OF THE APPLICATION FORM AND FURTHER PROCESSING

6. Bosnian refugees living abroad can apply for organised return by filling in the form “Application for Voluntary Return of Bosnian Refugees to the Territory of Bosnia and Herzegovina” (hereinafter: Form 1) or any other form used in the past for repatriation if it contains basic data for entering into RADS database. Displaced persons within Bosnia and Herzegovina can apply for return by filling in one of the forms used in the Entities (i.e. Application for Voluntary Return of Displaced Persons and Repatriates for the Territory of the Federation of Bosnia and Herzegovina; Application for Voluntary Return of Displaced Persons and Repatriates for the Territory of the Republika Srpska).

7. Form 1 shall be filled out by one member/representative of the household per housing unit and will cover all family members.

8. Bosnian refugees living abroad can submit Form 1 to any Diplomatic-Consular Representation in the host country or, in the absence of such representation, with UNHCR or any other institution involved in the return of Bosnian refugees as approved by the Ministry. Displaced persons living within one or the other Entity can submit the relevant application form to any municipal body in any Entity in charge of receiving these application forms as prescribed by the Entity Instructions; in areas where no such offices are established, displaced persons can also hand over the Return Application Form to UNHCR or to one of UNHCR’s Implementing Partners.

9. If the body abroad mentioned in paragraph 8 of this Instruction uses the RADS, then the contents and data of the form shall be entered in the database maintained in the office where the application is submitted, filled out and filed; otherwise, the Ministry will be responsible for the data entry or conversion of compatible data from other databases. In all cases, two copies of the application should be forwarded to the Ministry, one copy of the application form remains with the applicant, one with the body which received the application abroad.

10. The RD shall regularly, and at least once per week, forward the data received from abroad or from one of the Entities to the respective body in the Entity where the applicant intends to return. To speed up the processing of the application forms, data shall be forwarded from the Entities to RD on a regular basis, every 15 days.

B - PROPERTY ASSESSMENT

11. Property assessment shall be carried out by the respective municipal body in accordance with the Entity Instructions.

This body shall obtain data on the housing unit such as:

- occupancy status;
- physical status of the housing unit (damage assessment);
- ownership status of the housing unit;
- determination of funds necessary for reconstruction.

12. Once the assessment is completed, the municipal body shall record all collected information in the Housing Assessment Form, and forward the Forms to the municipal office in charge of returning displaced persons and repatriates, which shall enter the data from these Forms and forward them for further processing to the respective bodies established under the Entity Instructions.

C - REACHING A DECISION ON A CASE

13. Case decisions shall be made by the respective bodies established under the Entity Instructions.

14. Case decisions shall be filled out in the Case Status Form and forwarded to the respective co-ordination bodies established under the Entity Instructions for data entry and filing, according to the respective Entity Instructions.

15. The feedback for Bosnian refugees living abroad received from the respective bodies according to the Entity Instructions shall be communicated by the RD or the designated body of the respective body abroad. An applicant is entitled to be informed about any phase of her/his case by the respective body involved in the return of Bosnian refugees as approved by the Ministry (could be Diplomatic-Consular Representation, UNHCR, etc.).

16. The appropriate Municipal body shall confirm through the respective Entity Ministry that accommodation has been made available. On the basis of Entity information, the RD shall inform all the concerned parties that conditions for return are met and that they are able to return.

D - RETURN

17. The RD shall, in co-operation with the Diplomatic-Consular Representations, UNHCR and any other institution involved in the return of Bosnian refugees as approved by the Ministry, organise returns from abroad to the State of Bosnia and Herzegovina and assist Bosnian refugees to obtain the necessary documentation for travel and transit procedures (travel documents, customs clearances, etc.) in co-operation with other BH bodies.

18. Once the repatriation procedures are finalised, the RD or the designated body shall organise transportation for the Bosnian refugees from abroad to their final destination or an reception facility as previously decided by the respective Entity's body. In the latter case, the Entity Ministries will organise transportation to the final destination.

The RD shall notify UNHCR, as well as the respective Entity body, of the travel itinerary (the respective Entity body is responsible for informing the other bodies within the Entity of the scheduled arrival).

19. Upon the return to their final destination, repatriates are obliged to inform the competent municipal office in charge of displaced persons and repatriates.

III. SPONTANEOUS RETURNS

20. Bosnian refugees who opt for voluntary return, and have a return destination, and who want to return spontaneously should fill out the form Application for Voluntary Return of Bosnian Refugees to the Territory of Bosnia and Herzegovina and submit it to the closest Diplomatic-Consular Representations in the host country or, in the absence of such representation in host country, to UNHCR or any other institution involved in the return of Bosnian refugees as approved by the Ministry. In these cases, the data will be forwarded as outlined in paragraph 9 of this Instruction.

21. In case spontaneously returning Bosnian refugees did not fill out the form Application for Voluntary Return of Bosnian Refugees prior to departure, they shall report upon arrival to the respective body at the municipal level as outlined in the Entity Instructions. In this case, the

repatriate is requested to fill out the form used in the relevant Entity, adding the remark “spontaneous return” and/or “family reunion,” if applicable.

22. Spontaneous returnees shall be treated as if they had returned in an organised manner.

IV. INFORMATION FLOW

23. The data contained in the database shall be used for the purposes of the State Ministry, the Federation Ministry of Social Policy, Displaced Persons and Refugees, the Ministry for Refugees and Displaced Persons of the Republika Srpska, the respective bodies established under the Entity Instructions and UNHCR, as well as other institutions involved in the return of Bosnian refugees as approved by the Ministry and, as appropriate, with host countries, in case of agreement of the applicant.

24. The respective Entity bodies and RD shall exchange all collected information by modem or zip disks. The exchange of information between RD and the body abroad depends on whether the RADS is used abroad. If RADS is being used, then the transfer of data shall be carried out by modem or zip disks; otherwise hard copies of the current status will be forwarded.

25. UNHCR shall regularly receive updates of the complete database by RD or the designated body.

26. The registration, collection, treatment and transmission of personal data contained in the RADS is subject to the data protection principles and standards derived from Article 8 of the European Convention on Human Rights. All data compiled by the authorised bodies in the context of the return of Bosnian refugees and displaced persons shall be treated as an “official secret”.

V. TRANSITIONAL AND FINAL PROVISIONS

27. Form 1 prescribed by this Instruction is an integral part of this Instruction.

28. All forms filled out before this Instruction enters into force shall be entered in the RADS/imported into the RADS, in accordance with this Instruction.

29. This Instruction shall enter into force one day after the date of its publication in the Official Gazette of BH and shall be published in the official publications of the Entities.

VM number 63/99

1 July 1999

Sarajevo

Co-Chair
Haris Silajdzic

Mihajlovic

Co-Chair
Svetozar

Vice-Chair
Neven Tomic

**APPLICATION FOR VOLUNTARY RETURN OF BOSNIAN
REFUGEES TO THE TERRITORY OF BOSNIA AND HERZEGOVINA**
Federation of Bosnia and Herzegovina/ Republika Srpska

Case ID: _____ Datum: _____ Place of application: _____

1. Personal Data/Head of Household (HoH)

Family name	First name	Parent's name
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Sex	Nationality (B/S/H/Other)	Citizenship
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Date of birth	Place of birth: Town or village	Republic/State
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Marital Status: Single Married Divorced Widowed Cohabitation Separated		
JMBG No. _____ Date of arrival in the host country _____		

Enter the code from page 2: Highest educational level completed ____ Profession ____ Special needs ____

2 - PR - Data about other returning family members

No. of returning family members	1	2	3	4	5	6	7 or more
Children under the age of 12	0	1	2	3	4	5	6 or more
Persons older than 65 years of age	0	1	2	3	4	5	6 or more
Persons in need of special care	0	1	2	3	4	5	6 or more
Number of family members in the current residence	1	2	3	4	5	6	7 or more
Number of family members that resided together in 1991	1	2	3	4	5	6	7 or more

3. Present address

Str. & No.; appt.no.	Postal code	Town/village	Municipality/District
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
State	Telephone number		
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>		
Current accommodation: private collective other, pls specify: <input style="width: 150px;" type="text"/>			

4. Contact person/address

Family name	First name	Str. & No.; appt.no.	Postal code
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Town/village	Municipality/District/Canton	State	Telephone number
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

5. Pre-conflict address

Str. & No., appt.no.	Postal code	Town/village	Municipality
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Local community	State	Telephone number	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Ownership status	OW - I am the owner		AP - Owned by other person
	ST - State-owned		CO - Company-owned
	O - Other		
If your answer is AP , CO or O , please explain: <input style="width: 100%;" type="text"/>			
Status of your pre-conflict residence:	E - Empty		UD - Undamaged
	WA - Occupied without your approval		DM - Damaged
	R - Occupied by relatives or friends		DS - Destroyed
	Q - I do not know		Q - I do not know

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