

Title	Law on Displaced Persons, Refugees and Returnees in the Republika Srpska
Publisher	National Legislative Bodies
Country	Bosnia and Herzegovina
Publication Date	26 November 1999
Cite as	<i>Law on Displaced Persons, Refugees and Returnees in the Republika Srpska</i> [Bosnia and Herzegovina], 26 November 1999, available at: http://www.unhcr.org/refworld/docid/3ae6b57a1c.html [accessed 11 January 2012]
Comments	Unofficial working translation. RS Official Gazette No. 33/99 26/11/99. Passed by the National Assembly of the Republika Srpska at the Eighth session held on 11 November 1999, based on Article 70 Paragraph 2 of the Constitution of the Republika Srpska and Article 116 of the Rules of Procedure of the National Assembly of the Republika Srpska (RS Official Gazette, no. 10/96).
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Law on Displaced Persons, Refugees and Returnees in the Republika Srpska

I GENERAL PROVISIONS

Article 1

This Law shall regulate the status, rights and obligations of displaced persons, refugees and returnees in the Republika Srpska, determination and cessation of their status, social reintegration and return, bodies and organizations in charge of implementing this Law, the method for financing and providing resources for exercising these rights, as well as other issues relevant for the protection of this category of persons in the Republika Srpska.

Article 2

A displaced person, under this Law, is a citizen of Bosnia and Herzegovina who has been displaced in the territory of the Republika Srpska as a result of conflict, destruction caused by war, well-founded fear of being persecuted or having his/her rights violated in the territory of Bosnia and Herzegovina, while there do not exist conditions for safe and dignified return to his/her former place of permanent residence.

A refugee, under this Law, is a citizen of another country, or a stateless person seeking protection in the territory of the Republika Srpska, in accordance with Article 1 of 1951 Convention and 1967 Protocol, as well as a person who was a citizen of the former SFRY and who resided or was on a business mission in one of the former republics of the SFRY.

Persons referred to in previous Section who acquired refugee status before the entry into force of this Law are considered refugees in the sense of Article 2 Section 2 of this Law and benefit from the full scope of protection provided by this Law.

A returnee, under this Law, is a citizen of Bosnia and Herzegovina, who has, as a refugee from abroad, or a displaced person in Bosnia and Herzegovina, returned to the territory of the Republika Srpska to his/her former place of permanent residence.

The status of a displaced person shall be recognized to a repatriate who has not returned to his/her permanent residence in the Federation of Bosnia and Herzegovina.

Article 3

The Government shall arrange the system for protecting displaced persons, refugees and returnees, shall prescribe the method and requirements needed for determination of the status of this category of persons, and shall take care of exercise of their rights in accordance with the Convention relating to the Status of Refugees from 1951 (hereinafter: the Convention) and with the Protocol relating to the Status of Refugees from 1967 (hereinafter: the Protocol), as well as with other international documents from the field of humanitarian law, and shall ensure a full legal protection of those persons in accordance with Annex 7 of the Dayton Agreement.

A municipality-town shall assist displaced persons, refugees and returnees in fulfilling the elementary needs from the field of social welfare, in exercising other rights which have not been, by law and other regulations, placed within the competence of the Republic, shall create political, economical and social conditions which contribute to protection of those categories of persons, within the consistent realization of the Dayton Agreement.

II RIGHTS AND OBLIGATIONS OF DISPLACED PERSONS, REFUGEES AND RETURNEES

Article 4

Displaced persons, refugees and returnees shall have the rights and obligations established by this Law, the Convention and the Protocol, Annex 7 and international documents attached to Annex 6 and Annex 4 of the Dayton Peace Agreement.

Article 5

Displaced persons and returnees shall enjoy, in full equality, the same rights and freedoms under international and national law as do other citizens of the Republika Srpska.

They may not be discriminated against in the enjoyment of any rights and freedoms on any grounds whatsoever, and particularly not on the ground that they are or were displaced.

Displaced persons and returnees have the right to freedom of movement and freedom to choose his/her permanent residence.

Article 6

All displaced persons have the right to an adequate standard of living, the right to temporary basic accommodation, health care, social security, education and vocational training.

Article 7

The competent authorities shall issue to displaced persons all documents necessary for the enjoyment and exercise of their legal rights.

The competent authorities shall facilitate the issuance of new documents or the replacement of documents lost or destroyed in the course of displacement.

Article 8

All competent authorities shall facilitate the reintegration of returnees. Returnees, whether returning in an organized or self-organized manner, must register their return with the competent authorities to enable the competent authorities to collect accurate statistical data on actual returns.

Each person who registered permanent residence in any municipality before the conflict shall be able to re-establish her or his permanent residence in that municipality and be issued the relevant documentation, including identification documents, without discrimination.

The returnees are not obliged to obtain new urbanistic or construction permits for the repair of objects that are not destroyed or damaged by war activities, except where:

- the size of the building has been increased, or
- the purpose of the building has been changed.

Article 9

Refugees are entitled, on a needs basis, to all the rights prescribed in Article 6 of this Law until the Law on Immigration and Asylum comes into effect.

Article 10

The competent bodies shall find temporary basic accommodation also for displaced persons and refugees who are, according to provisions of the Law on the Cessation of Application of the Law on the Use of Abandoned Property (RS Official Gazette, number 38/98) required to vacate their current houses and apartments, providing that they do not have any other accommodation or that the right to accommodation is not guaranteed to them by another, more favorable legal basis.

This provision shall also apply for displaced persons and refugees for whom it has been determined that they use a house or an apartment without a relevant legal basis, and who cannot return to their former permanent residence, which shall be verified by a competent body.

In cases where a displaced person or a refugee refuses the offered accommodation, the competent body shall not be obliged to provide another temporary basic accommodation to the same person.

Article 11

The Government of the Republika Srpska shall within 30 days upon the adoption of this Law, pass the programme and plan for providing permanent accommodation to refugees and displaced persons in the RS territory.

The Government of the Republika Srpska shall find legal solutions to enable the exchange of occupancy rights in accordance with Annex 7 of the Dayton Peace Agreement.

III DETERMINATION AND CESSATION OF THE STATUS OF DISPLACED PERSONS, REFUGEES AND RETURNEES

Article 12

With a view to acquiring the status of a displaced person or a refugee, it is the obligation of all those persons to fill out prescribed forms at the time of registration, thus initiating the procedure for issuing documentation prescribed by this Law.

A returnee under Article 2 Section 4 of this Law, shall be obliged to fill out prescribed forms and initiate the procedure for issuing the identity papers of the Republika Srpska.

Article 13

The application for recognizing the status of a displaced person and a refugee shall be submitted to the Ministry of Refugees and Displaced Persons in the municipality of his/her displacement/escape.

The Department of the Ministry of Refugees and Displaced Persons shall take a decision on the acquisition and cessation of the status referred to in Section 1 of this Article, following the procedures carried out in accordance with this Law.

An appeal may be filed against the decision of the Ministry Department of Refugees and Displaced Persons, referred to in Section 2 of this Article, to the Minister of Refugees and Displaced Persons, within 15 days from the day of receiving the Decision.

An administrative dispute can be initiated against the decision referred to in Section 3 of this Article.

A returnee who has returned to his/her former place of permanent residence has to fill out the prescribed forms for the registration of his/her return in the competent Department of the Ministry for Refugees and Displaced Persons, in accordance with the Instruction on the Method of Organizing the Return of Displaced Persons and Repatriates for the Territory of the Republika Srpska.

The Department of the Ministry for Refugees and Displaced Persons shall be obliged to issue a certificate on the return to a returnee at once, on the basis of which a returnee shall, with the competent bodies in the place of his/her return, initiate the procedure for the issuance of personal documentation prescribed by this Law

Article 14

The Ministry of Internal Affairs of the Republika Srpska shall issue a prescribed identification document, on the basis of the decision on the recognition of the status of a displaced person and a refugee, once it has been checked if that person has already been registered in another municipality of the Republika Srpska.

The identification document referred to in previous Section shall contain information required by the regulations on identification cards and other information required by separate regulations.

The identification document is a public document which verifies the identity of a person, on the basis of which persons referred to in this Article exercise their rights granted to them by law and which verifies other information therein contained.

Upon the request of a displaced person, a personal identification card shall be issued to him/her by the Ministry of Internal Affairs, in accordance with the provisions of the Law on Identification Card.

Returnees in the sense of Article 2 Section 4 of this Law shall have the right and obligation to be issued a personal identification card, as well as other documents of the Republika Srpska, in accordance with this Law, the Law on Identification Cards and other regulations, once they have returned to their former place of permanent residence.

The competent public security station shall issue a displaced person card to a displaced person.

The competent public security station shall issue a refugee card to a refugee.

Article 15

The form of the identification document referred to in previous Article and the method of keeping records shall be prescribed by the Minister of Internal Affairs.

The Ministry of Internal Affairs shall keep the records on issued identification documents as well as on changes of places of temporary residence of displaced persons and refugees.

The provisions of the Law on Permanent and Temporary Residence of Citizens shall be applied with reference to the change of a place of temporary residence of displaced persons and refugees.

The Ministry of Internal Affairs shall notify the competent Department of the Ministry of Refugees and Displaced Persons on the change of temporary residence of displaced persons and refugees, within 15 days from the day of residence deregistration.

Article 16

The procedure for the acquisition and cessation of the status of persons falling under Article 2 of this Law shall be carried out according to the provisions of the Law on General Administration Procedure.

Article 17

The status of a displaced person shall cease:

1. Upon voluntary return to his/her former place of permanent residence,
2. Where there is a possibility for safe and dignified return to his/her former place of permanent residence, but a displaced person has not returned there,
3. When a displaced person has voluntarily decided to permanently settle in a place of his/her free and voluntary choice,,
4. When a displaced person has freely disposed of his/her property in the place of his/her previous permanent residence, thus creating conditions for his/her permanent settlement in a place of his/her free and voluntary choice.

Article 18

The status of a refugee shall cease:

1. If he/she has re-availed of the protection of the country of his/her nationality,
2. If, having lost his/her nationality, he has voluntarily re-acquired it,

3. If he/she has acquired a new nationality and enjoys the protection of the country of new nationality,
4. If he/she has voluntarily re-established him/herself in the country which he/she left or outside which he/she remained owing to fear of persecution,
5. If the circumstances in connexion with which he/she has been recognized as a refugee have ceased to exist and he/she continues to refuse to avail him/herself of the protection of the country of his/her nationality,
6. If, being a person who has no nationality, he/she cannot refuse to avail him/herself of the protection of the country of his/her former place of permanent residence, unless he/she is able to invoke compelling reasons arising out of previous persecution, or other strong humanitarian reasons, due to which he/she refuses to accept the protection of the country of his/her nationality or of the country of his/her previous residence,
7. If he/she has acquired the nationality of Bosnia and Herzegovina.

IV SOCIAL REINTEGRATION AND RETURN

Article 19

The process of social reintegration and return shall be carried out in accordance with freely expressed and individual wish of a refugee and/or a displaced person to choose a place of his/her permanent residence on the basis of objective and accurate information.

Article 20

The method of organized return to the territory of the Republika Srpska shall be regulated with the instructions passed by the Minister of Refugees and Displaced Person, in accordance with Annex 7 of the Dayton Peace Agreement and with this Law.

Article 21

The competent authorities shall co-operate with UNHCR in the exercise of their functions, in particular in relation to the elaboration of return plans, registration matters, as well as the monitoring of the treatment of displaced persons, refugees and returnees.

V BODIES AND ORGANIZATIONS IN CHARGE OF IMPLEMENTING THE LAW

Article 22

The implementation of the provisions of this Law, which fall under the competencies of the Republika Srpska, shall be done by the Ministry of Refugees and Displaced Persons, the Office of the Commissioner for Refugees and Humanitarian Aid, and the competent ministries, in accordance with the provisions of this Law, as well as with special laws, which within the scope of their work carry out activities relevant for the protection of displaced persons, refugees and returnees.

Article 23

The assignments and professional tasks which fall under the competence of a town or a municipality, shall be carried out by the respective town or municipal bodies, in accordance with law and by-law regulations, as well as with acts and guidelines of the Government and the National Assembly of the Republika Srpska and its respective ministries.

Article 24

The Office of the Commissioner for Refugees and Humanitarian Aid shall run the relevant database system relating to the implementation of this Law, draft analytical reports, and inform displaced persons, refugees and returnees.

VI FINANCING AND PROVIDING FOR CAPITAL ASSETS**Article 25**

Funds and assets needed for taking care of displaced persons, refugees and returnees, shall be provided for from the budget of the Republika Srpska and other resources, according to their abilities.

Article 26

Resources for exercising the rights of displaced persons, refugees and returnees may be provided from financial and other assistance secured by host countries of BH refugees, from UNHCR and other relevant international organizations, credit donations intended for all the purposes that are secured by international financial institutions and other sources.

VII TRANSITIONAL AND FINAL PROVISIONS**Article 27**

The Minister of Refugees and Displaced Persons and the Minister of Internal Affairs shall, within 30 days from the day of entering into force of this Law, pass regulations which shall define in more details the application of provisions of Articles 12-18 of this Law.

Article 28

Displaced persons referred to in Article 2 Section 1 of this Law shall be obliged to submit the request to the competent department of the Ministry in the municipality of their permanent residence for the purpose of revising their status as stated in their refugee cards issued according to previously valid regulations, within 90 days from the day of entering into force of this Law.

Refugees referred to in Article 2, Section 2 of this Law shall be obliged to submit the request to the competent department of the Ministry in the municipality of their permanent residence for the purpose of revising their status as stated in their refugee cards issued according to previously valid regulations within 90 days from the day of entering into force of this Law.

Once the revision has been completed in the competent department of the Ministry in the municipality of their permanent residence, the status of displaced persons and refugees shall be decided upon within 60 days in the public security station.

A refugee card issued according to previously valid regulations, which does not contain the data on the revision carried out, shall cease to be valid upon the expiration of 90 days counting from the day of entering into force of this Law.

The instruction on the method of carrying out the revision of the status of displaced persons and refugees, in the sense of Section 1 and 2 of this Article, shall be passed by the Minister of Refugees and Displaced Persons within 30 days from the day of entering into force of this Law.

Article 29

The Law on Refugees and Displaced Persons (“Official Gazette of the Republika Srpska” no. 26/95) shall cease to be valid on the day of entering into force of this Law.

Article 30

This Law shall enter into force on the eighth day from the day of its publication in the “Official Gazette of the Republika Srpska”.

Number: 1-1111/99 11 November 1999 Banja Luka	PRESIDENT OF NATIONAL ASSEMBLY Petar Djokic
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