



DECISION ON ADMISSIBILITY

Case no. CH/99/1337

Hamdija BEČIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 April 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Anders MÅNSSON Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(2) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. In April 1995 the applicant received a decision on temporary use for an apartment located at Hamdije Kreševljakovića St. no. 60/VI in the centre of Sarajevo and moved there from Vraca, a suburb of Sarajevo.

2. In October 1997 the apartment was allocated to him for temporary use by Vranica, the enterprise which owned the apartment. On 3 August 1998, however, the relevant municipal housing authority issued a decision stating that the pre-war occupancy right holder had the right to repossess the apartment, that the applicant's right to temporary use was canceled and that he must leave the premises. The applicant appealed but there has been no decision.

II. COMPLAINTS

3. The applicant asserts that his rights to property and respect for his home have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The case was introduced and registered on 8 December 1998.

IV. OPINION OF THE CHAMBER

5. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any case which it considers manifestly ill-founded.

6. In the present case, there is a decision of the relevant housing authority in Sarajevo stating that the applicant has no right to possess, and must leave, the apartment in question. There is no information to substantiate how this decision violates the applicant's right to respect for his home or to his property as it appears to have been issued in accordance with laws in force at the time in order to protect the rights of the occupancy right holder. There is therefore no appearance of a violation of the Agreement.

7. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel