



DECISION ON ADMISSIBILITY

Case no. CH/00/5266

Advija DELIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 September 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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)(c) 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. By a procedural decision of 16 March 1994 the Municipality of Kakanj granted her a right to temporarily use an apartment located at Ulica Selima ef. Merdanovića 82 in Kakanj, the Federation of Bosnia and Herzegovina. On 1 June 2000, by another procedural decision, the Municipality of Kakanj concluded that the applicant illegally occupied an apartment located at Ulica Selima ef. Merdanovića 53 and consequently ordered the applicant to vacate that apartment within 15 days of receipt of the decision.

2. On 15 June 2000 the applicant filed an appeal against the latter decision to the relevant second instance organ. In a rather confusing way, she referred to both the above-mentioned apartments. She alleged, however, that eviction measures were taken with respect to the apartment for which she has the right of temporary use. Apparently, no decision has been taken on her appeal.

II. COMPLAINTS

3. The applicant appears to allege a violation of her right to respect for her home under Article 8 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 29 June 2000 and registered on the same day. The applicant requested that the Chamber order a provisional measure suspending her eviction until her housing situation had been resolved. On 6 July 2000 the Chamber refused her request.

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 application which it considers manifestly ill-founded.

6. The Chamber notes that the applicant has the right to temporarily use the apartment located at Ulica Selima ef. Merdanovića 82. The procedural decision of 1 June 2000 concludes that the applicant illegally occupies the apartment located at Ulica Selima of Merdanovića 53, and therefore orders the applicant to vacate that apartment. The two apartments, although located on the same street, are distinct dwellings, and the procedural decision purports to evict the applicant from the apartment which she does not have a right to occupy. As accordingly the applicant is an illegal occupant of the apartment from which she is being evicted, the Chamber cannot find any irregularities on the basis of the information before it, which would amount, *prima facie*, to a human rights violation.

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)
Giovanni GRASSO
President of the Second Panel