



## **DECISION ON ADMISSIBILITY**

**CASE No. CH/00/5409**

**Nedim TUKIĆ**

**against**

**BOSNIA AND HERZEGOVINA**

**and**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 2000 with the following members present:

Ms. Michèle PICARD, President  
Mr. Andrew GROTRIAN, Vice President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
Mr. Želimir JUKA  
Mr. Miodrag PAJIĆ

Mr. Peter KEMPEES, 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. INTRODUCTION**

1. The application was introduced on 21 July 2000 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent his eviction. On 26 July 2000 the President of the First Panel decided not to order the provisional measure requested.

2. The application is directed against Bosnia and Herzegovina and Federation of Bosnia and Herzegovina. The applicant complains of a decision of the Administration for Housing Affairs of Canton Sarajevo ordering his eviction from an apartment that he occupies. However, the case concerns the eviction of the applicant from the apartment over which the occupancy right of the pre-war occupant in the Federation has been confirmed.

**ii. OPINION OF THE CHAMBER**

3. The Chamber has examined the application and finds that the applicant's complaints does not concern an interference with his rights under the Agreement by the authorities of Bosnia and Herzegovina, since nothing indicates that this Party is accountable for the applicant's situation. Therefore with respect to Bosnia and Herzegovina application is incompatible *ratione personae* with the provisions of the Agreement and must be rejected.

4. The Chamber notes that the Federation of Bosnia and Herzegovina issued the decision in question to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no legal right to occupy the apartment. In these circumstances and in the light of all the material in its possession, and insofar as the matters complained of are within its competence, the Chamber finds that the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the application must be rejected as manifestly ill-founded, in accordance with Article VIII(2)(c) of the Agreement.

**iii. CONCLUSION**

5. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE**

(signed)  
Peter KEMPEES  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the First Panel