



## **DECISION ON ADMISSIBILITY**

**CASE No. CH/00/5782**

**Šaćir HERIĆ**

**against**

**BOSNIA AND HERZEGOVINA  
AND  
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 October 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. 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

## **INTRODUCTION**

1. The application was introduced on 21 September 2000 and registered on 25 September 2000. The applicant requests that the Chamber stops his eviction scheduled for 29 September 2000 from the apartment he is occupying and which is located in Konjic (Federation of Bosnia and Herzegovina) until the Cantonal Ministry of Physical Planning and Construction in Mostar has decided about his occupancy right over the apartment.

## **OPINION OF THE CHAMBER**

2. The Chamber has examined the application and finds that housing issues are not amongst the matters listed in Article III of the Constitution of Bosnia and Herzegovina (Annex 4 to the General Framework Agreement) as falling within the competence of the institutions of the State. Accordingly, it falls within the responsibility of the Entities by virtue of Article III of the Constitution. It follows that the application is incompatible *ratione personae* with the provisions of the Agreement and must be rejected, in so far as it is directed against Bosnia and Herzegovina.

3. Further, the Chamber finds that the applicant's complaint is premature as the proceedings are still pending before the Cantonal Ministry of Physical Planning and Construction in Mostar. The domestic remedies have therefore not been exhausted as required by Article VIII(2)(a) of the Agreement. It follows that the application must be rejected.

4. Accordingly, the Chamber decides not to accept the application, partly because it is incompatible *ratione personae* with the Agreement within the meaning of Article VIII(2)(c) and partly because the domestic remedies have not been exhausted as required by Article VIII(2)(a) of the Agreement.

## **CONCLUSION**

5. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Peter KEMPEES  
Registrar of the Chamber

(signed)  
Giovanni GRASSO  
President of the Second Panel