



DECISION ON ADMISSIBILITY

Case no. CH/00/5641

Meho HUREM

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 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. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. At present, he lives in an apartment in Sarajevo (Ulica Emerika Bluma 30) that was declared temporarily abandoned. On 2 June 1997 he received a procedural decision, issued by his employer, permitting him to use the apartment.
2. On 28 June 2000 the Administration for Housing Affairs of Canton Sarajevo confirmed the right of the pre-war occupancy right holder of the apartment to return to it. The decision ordered the applicant to vacate the apartment within 15 days pursuant to Article 3 paragraph 4 of the Law on Cessation of Application of the Law on Abandoned Apartments. According to the decision, the applicant “on 30 April 1991 dwelt in a house located in Ulica Džeka 46, Sarajevo, as a subtenant, (from 1983 until 1997)” and was not entitled to alternative accommodation since “that house now satisfies minimal housing conditions”.
3. On 14 August 2000 the Administration for Housing Affairs of the Canton Sarajevo issued an instruction allowing the applicant’s forcible eviction on 11 September 2000.

II. COMPLAINTS

4. The applicant alleges that his right to appropriate accommodation was violated by the decision of 28 June 2000.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 6 June 2000 and registered on the same day. In his application, the applicant requested that the Chamber order the respondent Party as provisional measures to postpone his forcible eviction from the apartment in Ulica Emerika Bluma 30, Sarajevo. On 8 September 2000 the Chamber rejected this request.

IV. OPINION OF THE CHAMBER

6. 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.
7. The Chamber notes that the applicant currently occupies the apartment in question without a legal basis. In these circumstances, the Chamber cannot find that the decision of the Administration for Housing Affairs of the Canton Sarajevo of 28 June 2000 issued in favour of the pre-war occupancy right holder and its subsequent implementation would violate any of the applicant’s rights guaranteed by the Agreement. As to the applicant’s complaint that he is entitled to be provided with (appropriate) alternative accommodation, the Chamber sees no reason to question the factual findings that lead to the applicant’s classification as a “subtenant on date 30 April 1991 in the house which now satisfies minimal housing conditions, which implies the applicant’s possibility to return to that house” by the administrative organ.
8. 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

9. 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