



DECISION ON ADMISSIBILITY

CASE No. CH/00/5545

Faruk SMAILAGIĆ

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. INTRODUCTION

1. The application was introduced on 10 August 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 15 August 2000 the President of the First Panel decided not to order the provisional measure requested.

2. The applicant complains of a decision of the Municipality of Kakanj ordering his eviction from a house that he occupies.

ii. OPINION OF THE CHAMBER

3. The Chamber notes that the decision in question was taken to allow the pre-war owner to repossess the house and that the applicant has no legal right to occupy that house. 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