



DECISION ON ADMISSIBILITY

CASE No. CH/00/6592

Dževad DŽAFIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 January 2001 with the following members present:

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

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 12 December 2000. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction. The Chamber rejected this request on 12 January 2001.
2. The applicant complains that the decision of the Administration for Housing Affairs of Canton Sarajevo issued on 4 October 2000 in favour of the pre-war occupant, did not grant him a right to alternative accommodation.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the eviction was ordered by the Administration for Housing Affairs of Canton Sarajevo on the ground that the applicant had no legal base to occupy it and allowing the pre-war occupancy right holder to repossess the apartment. Moreover, in light of the relevant legal provisions and of the circumstances of the case as they appear to the Chamber the decision not to grant the applicant a right to alternative accommodation does not appear open to question. In light of all the material in its possession, 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

4. 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