



DECISION ON ADMISSIBILITY

CASE No. CH/01/6744

Dika ČUKOJEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 February 2001 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. Vitimir 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)(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 17 January 2001. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction. The President of the Panel rejected this request on 26 January 2001.

2. The applicant complains that although the Administration for Housing Affairs of Canton Sarajevo granted her a right to alternative accommodation, the Municipal Court II Sarajevo issued a judgement ordering the applicant's eviction before such alternative accommodation could be provided.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the eviction was ordered by the Municipal Court II in Sarajevo on the ground that the applicant had no legal basis to occupy the apartment and the pre-war occupancy right holder should be allowed 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 await the provision of 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)
Giovanni GRASSO
President of the Second Panel