



DECISION ON ADMISSIBILITY

Case no. CH/01/6682

Ramiz ZUKIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 March 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. 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)(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 4 January 2001. Having been evicted, the applicant requested the Chamber to order the respondent Party, as a provisional measure, to provide him with another apartment or pay for other adequate accommodation. On 7 March 2001 the Chamber decided not to order the provisional measure requested.

2. The applicant complains that the eviction procedure before the administrative body was unlawful, as the decision of the Administration for Housing Affairs of Canton Sarajevo issued on 1 October 1997 allowing repossession of the apartment to the pre-war occupancy right holder (who is also a co-owner of the apartment in question with a 60% share), was not enforceable. Allegedly, he appealed that decision and received no response from the Ministry for Physical Planning, Housing and Communal Affairs of the Sarajevo Canton. However, as the applicant refused the alternative accommodation he was offered, the Administration established on 24 November 2000 that the procedural decision of 1 October 1997 was enforceable and he was evicted on 11 December 2000 accordingly.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the decisions of the Administration were taken to allow the pre-war occupancy right holder and co-owner to repossess the apartment. In addition, the applicant was offered alternative accommodation and as he refused the offer he was ordered to vacate the apartment pursuant to a lawful decision terminating a right of temporary use. In the light of all the material in its possession, the Chamber finds that the facts complained of do 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