



DECISION ON ADMISSIBILITY

Case no. CH/00/6518

Nevzeta FERHATOVIĆ

against

**BOSNIA AND HERZEGOVINA, THE FEDERATION OF BOSNIA AND HERZEGOVINA AND THE
RAPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 April 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 1 December 2000. The applicant requested the Chamber to order the respondent Party, as provisional measure, to take all necessary action to prevent her eviction from the apartment in the Federation of Bosnia and Herzegovina until she was returned into her pre-war apartment in the Republika Srpska. On 13 December 2000 the President of the Second Panel decided not to order the provisional measure requested.

2. On 28 February 2001 the applicant submitted a letter to the Chamber stating that she had received a procedural decision on repossession of her pre-war apartment in Dobrinja IV (Viljema Šekspira no 6/II) from the Republika Srpska authorities. She alleges, however, that her apartment is devastated and that the arbitration proceeding is pending. That is why she asked for the second time that the Chamber prevent her eviction from the apartment she currently occupies in the Federation of Bosnia and Herzegovina until she is reinstated into her apartment.

3. On 5 April 2001 the Chamber decided not to order the provisional measure requested.

4. The applicant complains of a procedural decision of the Administration of Housing Affairs of the Canton of Sarajevo issued on 13 November 2000 ordering her to vacate the apartment with no right to alternative accommodation on the ground that she is an illegal occupant of the apartment in question.

II. OPINION OF THE CHAMBER

5. The Chamber notes that the decision in question was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no legal right to occupy the apartment. Furthermore, the applicant received a procedural decision from the authorities of the Republika Srpska on repossession of her pre-war apartment in Dobrinja IV. In these circumstances 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

6. 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