



DECISION ON ADMISSIBILITY

Case no. CH/01/7332

Rasema AVDIBEGOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 April 2001 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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 27 March 2001. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction on 2 April 2001 from an apartment in Sarajevo, at ul. Aleksandra Puškina 41. On 29 March 2001 the President of the Second Panel decided not to order the provisional measure requested.

2. The applicant specifically requested the Chamber to prevent her eviction from the apartment in question based on a conclusion of the Sarajevo Centar Municipality of 16 March 2001 until her house in Ilijaš, which was devastated during the war in BiH, is reconstructed.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the conclusion of the Sarajevo Centar Municipality was taken to order the applicant to vacate the apartment, terminating a right of temporary use, pursuant to a lawful decision taken to permit the pre-war owner to be reinstated into possession of the apartment. 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