



DECISION ON ADMISSIBILITY

Case no. CH/01/7356

Zemka KANLIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 May 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 2 April 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 5 April 2001 from an apartment located in Sarajevo, at ul. Envera Šehovića no.62, until her pre-war apartment in Hadžići, Federation of Bosnia and Herzegovina, was reconstructed, or an alternative accommodation allocated to her. On 5 April 2001 the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a procedural decision of the Administration for Housing Affairs of the Sarajevo Canton (“the Administration”), issued on 16 August 2000, ordering her to vacate the apartment within 15 days time limit with no right to alternative accommodation. In addition, the applicant complains that the Cantonal Ministry for Housing Affairs failed to decide upon her appeal of 25 September 2000 against the procedural decision in question. Regarding the pre-war apartment, the Administration, on 12 April 2001, confirmed her occupancy right and she was permitted to regain possession of it as soon as the building in which that apartment was located was reconstructed.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the Administration’s decision of 16 August 2000 was taken to allow the pre-war occupancy right holder to repossess the apartment located in Sarajevo. In addition, the applicant was ordered to vacate the apartment pursuant to the lawful decision terminating her right of temporary use as she has no legal right to continue to occupy the apartment. In these circumstances and in the 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 is manifestly ill-founded, within the meaning of 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