



DECISION ON ADMISSIBILITY

CASE No. CH/00/6559

Salko HARDAUŠ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 3 July 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN,

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 and registered on 7 December 2000. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction, which was scheduled for the following day, from an apartment located at ul. Talića brdo 15 B in Zenica. On 14 December 2000 the Registry requested additional information from the applicant. On 3 July 2001 the Chamber decided not to consider the applicant's request for provisional measures, which had become moot given that the applicant was evicted on the appointed date.

2. Following the applicant's divorce in 1991, the applicant's former wife was awarded custody of the children born of the marriage. The applicant continued to live in the apartment in question with his former wife and the children. In 1994 the applicant was awarded a temporary occupancy right over a second apartment. It seems he did not take up residence there himself, but let it to a third person. In 1997 the applicant resumed cohabitation in the first apartment with his former wife and the children. In 1998 the applicant's former wife brought proceedings seeking his eviction, alleging domestic violence. The Zenica Municipal Court gave a decision in favour of the applicant's former wife on 22 December 1999, the validity of which was confirmed by the Zenica Cantonal Court on 6 September 2000. The applicant's eviction from the first apartment was ordered by a procedural decision of 21 September 2000. On 21 November 2000 the Zenica Cantonal Court rejected an appeal which the applicant had brought against the latter decision.

3. The applicant alleges a violation of his right to respect for his home. He alleges that the decisions awarding custody of the children to his former wife and ordering his eviction from the first apartment were illegal and that the courts which gave them were corrupt.

II. OPINION OF THE CHAMBER

4. The Chamber is of the opinion that the applicant has failed to substantiate his allegations that the courts lacked integrity in deciding his case. Moreover, the decisions of the domestic courts do not appear at all unreasonable or arbitrary. It follows that the application does not disclose any appearance of a violations of the rights and freedoms guaranteed under the Agreement and must be rejected as manifestly-ill founded, in accordance with Article VIII (2)(c) of the Agreement.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Olga Kapić
Deputy Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel