



DECISION ON ADMISSIBILITY

Case No. CH/01/7709

Dženana HRNJIĆ

against

The Federation of Bosnia and Herzegovina

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 September 2001 with the following members present:

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

Mr. Ulrich GARMS, 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 18 July 2001. The applicant requested the Chamber to order the respondent Party as a provisional measure to prevent execution of the decision of the Commission for Real Property Claims of Refugees and Displaced Persons ("CRPC") of 21 March 2000, which allowed the reinstatement to the pre-war occupancy right holder. On 8 September 2001, the First Panel decided not to order the provisional measure requested.

2. The applicant complains that her right of possession of an apartment at ulica Dalmatinska no. 9, Sarajevo, was violated because of the following facts: the applicant was allocated the apartment for use by procedural decision of the owner of the apartment, the company "Arhitekt" Sarajevo, of 29 June 1995; on 28 July 1995, the applicant concluded a contract on use of the apartment with the Housing Fund of City of Sarajevo; and on 24 May 2000, she concluded a contract on purchase with the owner of the apartment by procedural decision of the Municipal Court I Sarajevo. Furthermore, the previous occupancy right holder cancelled a contract on the use of the apartment on 1 July 1995.

II. OPINION OF THE CHAMBER

3. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept ... and shall take into account the following criteria: (a) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted"

4. The Chamber has examined the application and finds that the applicant's complaints are premature as the proceedings are still pending before the Cantonal Ministry for Housing Affairs in Sarajevo. The domestic remedies have therefore not been exhausted as required by Article VIII(2)(a) of the Agreement. It follows that the application must be rejected.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel