



DECISION ON ADMISSIBILITY

Case no. CH/01/7842

Emina MUJIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 applicant is the current occupant of an apartment at ulica Patriotske lige no. 32/12 in Zavidovići, the Federation of Bosnia and Herzegovina. She moved into the apartment in question on 2 May 1996, allegedly based on oral approval from an official of the housing body. However, on 27 September 2000, the Zavidovići Municipality (the "Municipality"), *ex officio*, issued a procedural decision ordering the applicant to vacate the apartment in question in 15 days under the threat of forcible eviction. According to the procedural decision, the applicant is a multiple occupant as she possesses her own house within the territory of the Municipality. Her eviction was scheduled for 25 October 2000. The applicant states that she did not use domestic remedies at any stage of the housing proceedings because she did not know to whom to appeal.

2. The application was introduced on 29 August 2001. The applicant requests the Chamber, as a provisional measure, to establish her right to alternative accommodation. In addition, the applicant requests that the Chamber order the competent bodies to provide her with alternative accommodation because she has no place to live. On 8 October 2001 the Chamber decided not to order the provisional measure requested.

II. OPINION OF THE CHAMBER

3. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept In so doing, the Chamber 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 failed to appeal the procedural decision and conclusion issued by the Municipality to the Ministry for Urbanism, Physical Planning and Environmental Protection of the Zeničko-Dobojski Canton. The applicant has not shown that this remedy would have been ineffective, and it does not appear so to the Chamber. Accordingly, the Chamber finds that the applicant has not, as required by Article VIII(2)(a) of the Agreement, exhausted effective remedies. The Chamber, therefore, decides to declare the application inadmissible.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel