



DECISION ON ADMISSIBILITY

Case no. CH/01/8491

Nihad KORJENIĆ

against

FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 February 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice President
Mr. Dietrich RAUSCHNING
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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I FACTS

1. The applicant is the occupant of an apartment in Sarajevo, ulica Grbavička 126/pr. However, he was never granted permission to occupy the apartment, even temporarily. A procedural decision of the Administration for Housing Affairs, issued upon request of the pre-war occupant of the apartment, established that the applicant had to leave the apartment. He appealed on 26 September 2001 to the Ministry for Housing Affairs of Canton Sarajevo. On 15 November 2001, the Administration informed the applicant that it was going to evict him from the apartment he is currently occupying on 14 December 2001.
2. The applicant alleges that both he and his wife are unemployed and that they have an underage child. For those reasons he requests the postponement of the eviction until the next spring.

II ALLEGED VIOLATIONS OF HUMAN RIGHTS

3. The applicant alleged that his right to property, and his right to his private and family life as well as to a home have been violated.

III PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced to the Chamber on 29 November 2001 and registered on the same day. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to suspend his eviction until next spring or to be assisted in seeking alternative accommodation. On 13 December 2001 the President of First Panel rejected the applicant's request for provisional measures. The Chamber has no information as to whether the eviction has been carried out.

IV OPINION OF THE CHAMBER

5. 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: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition."
6. The Chamber notes that the decision on the applicant's eviction was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no right to occupy the apartment under domestic law. In these circumstances, 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. The Chamber therefore decides to declare the application inadmissible.

V CONCLUSION

7. For this reason, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(Signed)
Ulrich GARMS
Registrar of the Chamber

(Signed)
Michèle PICARD
President of the First Panel