



DECISION ON ADMISSIBILITY

Case no. CH/02/9425

Nadija PINJO

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 November 2002 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. 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 INTRODUCTION

1. The application was introduced on 6 March 2002. The applicant requested the Chamber to issue an order for provisional measures annulling its order for provisional measure of 11 January 2002 in case no. CH/01/8578 *Mladen Đorđić against the Federation of Bosnia and Herzegovina*. On 11 October 2002 the Second Panel decided not to order the provisional measure requested.

2. The applicant complains of the Chamber's order for a provisional measure issued in the *Đorđić* case suspending the scheduled eviction of Mr. Đorđić from an apartment in Sarajevo, Prusačka no. 1. On 19 October 2001 the applicant obtained a decision from the Cantonal Administration for Housing Affairs, confirming her occupancy right over the apartment at Prusačka no. 1 in Sarajevo. The eviction of Mr. Đorđić from the apartment was scheduled for 18 January 2002.

3. On 11 October 2002 the Second Panel decided to withdraw its order for a provisional measure issued in the case no. CH/01/8578.

II OPINION OF THE CHAMBER

4. The application is directed against the Federation of Bosnia and Herzegovina as a respondent Party. However, in essence the applicant's complaint concerns the Chamber's order for a provisional measure issued in the *Đorđić* case.

5. Moreover, action taken by the Chamber does not engage the responsibility under the Agreement by the authorities of any of the signatories to the Agreement. Moreover, the Chamber for Human Rights is not capable of engaging the responsibility under the Agreement of any of the signatories to the Agreement. It follows that the application is incompatible *ratione personae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible.

III CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel