



DECISION ON ADMISSIBILITY

Case no. CH/ 02/11936

Senada MRAVOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 January 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 26 July 2002. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent the reinstatement of S.N. into possession of the apartment she occupies at Grada Kalgarija Street no. 10 in Sarajevo. On 7 October 2002, the Chamber decided not to order the provisional measure requested.

2. On 21 March 2000 the Commission for Property Claims of Refugees and Displaced Persons (CRPC) issued a decision confirming that S.N. was the pre-war "*bona fide* possessor" of the apartment in question.

3. The applicant alleges that S.N.'s husband has purchased another apartment located in Patriotske lige Street no. 18 and therefore should not be allowed to take possession of the apartment she occupies. She claims that if S.N. repossesses the apartment, then S.N. will be able to purchase it; consequently, S.N. and her husband will have purchased two socially-owned apartments.

4. The applicant further complains that she needs the apartment in question to provide for her family "survival", as her husband is a disabled person who receives only 50 KM per month as a disability allowance and they have two children. She also alleges that the State of Bosnia and Herzegovina will be damaged because it will lose possession of two socially-owned apartments.

II. 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 applicant has no right under domestic law to occupy the apartment in question. The Chamber also notes that although no conclusion on enforcement has been issued as yet by the Administration for Housing Affairs of Canton Sarajevo, the enforcement should be carried out pursuant to the CRPC decision of 21 March 2000, which is final and binding under domestic law and which was taken to allow S.N., the pre-war occupancy right holder, to repossess the apartment. In these circumstances, the Chamber finds that the facts complained of do 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.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel