



DECISION ON ADMISSIBILITY

Case no. CH/00/4328

Mustafa AHMETHODŽIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 May 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

Mr. Anders MÅNSSON, 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 a citizen of Bosnia and Herzegovina of Bosniak origin. He lives in an apartment in Vogošća without having a decision allowing him to do so.

2. On 15 February 2000 the Administration for Housing Affairs of the Canton Sarajevo *ex officio* issued a procedural decision stating that the applicant occupied the apartment illegally. Pursuant to Article 3 of the Law on Cessation of Application of the Law on Abandoned Apartments, the applicant was ordered to leave the apartment within three days after the receipt of the decision. It further stated that the applicant was not entitled to alternative accommodation because he had lived with his brother-in-law in Sarajevo before the war. The applicant has appealed against that decision to the Cantonal Ministry for Urban Planning, Housing and Communal Affairs.

3. On 6 March 2000 the Administration for Housing Affairs issued an instruction allowing the execution of its procedural decision of 15 February 2000 and the forcible eviction of the applicant. On the same day the applicant was notified that his eviction would take place on 12 April 2000 with the assistance of the police.

II. COMPLAINT

4. The applicant asks the Chamber to protect his right to a decent life and to prevent his eviction until a final solution to his housing needs has been found.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 14 March 2000 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary measures to prevent his eviction. On 4 April 2000 the Second Panel rejected this request.

IV. OPINION OF THE CHAMBER

6. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers manifestly ill-founded.

7. The Chamber notes that the applicant undisputedly occupies the apartment illegally, i.e. without a decision conferring any right of use upon him. In these circumstances, the Chamber cannot find that the decision of the Administration for Housing Affairs of the Canton Sarajevo of 6 March 2000 and its subsequent implementation would violate any of the applicant's rights guaranteed by the Agreement.

8. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel