



DECISION ON ADMISSIBILITY

Case no. CH/00/4562

Aziz MEHIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 September 2000 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. 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. On 26 January 1996 he was allocated temporary use of an apartment located at Ulica Zlatnih ljiljana in the municipality of Zavidovići.
2. On 7 March 2000, per a request of the original occupancy right holders, the Municipality Zavidovići passed a decision reinstating the original occupants to the apartment and canceling the applicant's right to temporary use. By the same decision, the competent authorities of the municipality determined that he had no right to alternate accommodation and instructed him to vacate the apartment within fifteen days. There is no evidence that the applicant appealed this decision.
3. At that time the applicant began to search for another residence. On 7 March 2000 he requested of the "Unija Veterana", or Veteran's Union, that it allocate to him a lot in the Vučijak settlement on which to build a home. On 15 March 2000 the Veteran's Union informed the applicant that he was fortieth on a list for lot allocation. On 21 March 2000 the applicant appealed this decision, urging the union to consider that he faced imminent eviction. On 6 April 2000 the organization turned down the applicant's request on appeal. On 5 April 2000 he requested that the union find an apartment for him. There is no record that the applicant received a response to this request.
4. On 25 May 2000 the Municipality Zavidovići passed a decision ordering the applicant's eviction. There is no evidence the applicant appealed this decision.

II. COMPLAINTS

5. The applicant complains that his right to respect for his home as protected by Article 8 of the European Convention on Human Rights has been violated. Further, the applicant asserts that his right to a fair hearing, as protected by Article 6 paragraph 1 of the Convention, has been violated. The applicant also requests the Chamber to directly instruct the relevant municipality to grant him an apartment or to allot him a site on which he may build one.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced to the Chamber on 10 April 2000 and registered on the same day.
7. On 20 June 2000 the applicant requested as a provisional measure that the authorities of the Federation of Bosnia and Herzegovina be ordered not to evict him from his residence. The Chamber refused this request on that same day.

IV. OPINION OF THE CHAMBER

8. 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.
9. The Chamber notes that the applicant was granted a temporary right to occupy the apartment in question. This temporary right was terminated on 7 March 2000 by a decision of the Municipality Zavidovići in accordance with national law. By the same decision the applicant was instructed to vacate the apartment within fifteen days. Accordingly, after the expiration of the fifteen days, the applicant was an illegal occupant of the apartment and his eviction does not pose an issue of a potential violation of human rights as protected by the Agreement.

10. The applicant requests that the Chamber resolve his housing problem by instructing either the Municipality of Zavidovići to grant him an apartment or the Veteran's Union to allot him a site on which to build a residence. The Chamber recalls that real estate does and an occupancy right may constitute a "possession" within the meaning of Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). The Chamber has previously held, however, that this provision of the Convention "only protects already existing possessions and does not guarantee any right to acquire a right protected under that Protocol" (case no. CH/98/1588, *Tomić*, decision on admissibility of 9 February 1999, paragraph 9, Decisions January-July 1999). The applicant therefore does not have the right to acquire a property right under any provision of the Convention.

11. The applicant complains of violations of his right to fair proceedings in both his current housing situation and his attempt to find alternate accommodation. With respect to both claims, the Chamber cannot find any irregularities, on the basis of the information before it, which would amount, *prima facie*, to a human rights violation.

12. 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

13. 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