



DECISION ON ADMISSIBILITY

Case no. CH/00/4657

Vesna SOFTIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 December 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Peter KEMPEES, 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 14 April 2000. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent her eviction from the apartment in Tuzla, ul. Slavka Mičića 50. On 4 May 2000 the President of the First Panel decided not to order the provisional measure requested.

2. The applicant complains of a judgment of the Supreme Court of the Federation of Bosnia and Herzegovina issued on 4 November 1999, by which the applicant's request for establishing the fact that she had acquired the occupancy right over the apartment in question, was refused. Moreover, according to the judgment, she was bound to move out from the apartment and to hand it over to the Municipality Tuzla.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the applicant was ordered to vacate the apartment on the ground that she had no legal right to occupy the apartment. In the light of all the material in its possession, 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 must be rejected as manifestly ill-founded, in accordance with Article VIII(2)(c) of the Agreement.

III. CONCLUSION

4. For these reasons, the Chamber, unanimously

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel