



DECISION ON ADMISSIBILITY

Case no. CH/00/4770

Šehrija DELIĆ

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 as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina. She was the pre-war occupancy right holder of an apartment located at Ulica Franje Kluza 13/2 in Sarajevo. During the war in Bosnia and Herzegovina, the applicant left Sarajevo and her apartment was completely destroyed.

2. After the war, the applicant returned to Sarajevo and occupied another apartment located at Ulica Grada Kalgarija br. 8/II, apparently without securing any kind of legal interest in the apartment. On 27 October 1999, upon a request of the pre-war occupancy right holder over this apartment, the Municipal Court II in Sarajevo held that the applicant had no legal basis to occupy the apartment and that she must vacate the premises. She did not leave the apartment of her own volition, however, and was therefore evicted on 4 May 2000.

II. COMPLAINTS

3. The applicant complains of violations of her rights to respect for her home and to her property as protected by Article 8 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention, respectively.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 27 April 2000 and registered the following day. As part of her application the applicant requested the Chamber to issue a provisional measure ordering the respondent Party to stop the above-mentioned eviction until she was provided alternative accommodation. The Chamber refused this request on 8 May 2000.

IV. OPINION OF THE CHAMBER

5. 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.

6. In this case the applicant complains that the decision to evict her is a violation of her rights. The Chamber notes, however, that there is no indication that the applicant was at any point using the apartment in conjunction with relevant law. This was confirmed by a decision of the Municipal Court II in Sarajevo which ordered the apartment returned to its pre-war occupancy right holder and the applicant evicted. She therefore has no right to occupy the apartment under the relevant laws. The Chamber cannot find any irregularities, on the basis of the information before it, which would amount, *prima facie*, to a human rights violation. 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

7. 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