



DECISION ON ADMISSIBILITY

Case no. CH/00/5148

Šemsudin AJANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

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

Mr. Ulrich GARMS, 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 20 June 2000 and registered on 21 June 2000. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction from an apartment which he occupies. On 3 July 2000, the Chamber decided not to order the provisional measure requested.

2. On 4 March 1999, the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued a decision confirming the pre-war occupancy right holder's claim to the apartment. On 5 May 2000, the Administration for Housing Affairs of Zenica Municipality (Služba za opću upravu i stambene poslove) issued a Conclusion on Enforcement implementing the CRPC decision and ordering the applicant to leave the apartment in question within 15 days. The applicant complains against that Conclusion on Enforcement.

3. The applicant alleges violations under Articles 6, 8, 13, 17, and Article 1 of Protocol No. 1 to the European Convention on Human Rights, and Article 26 of the International Covenant on Civil and Political Rights.

II. OPINION OF THE CHAMBER

4. 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."

5. The Chamber notes that the decision on the applicant's eviction was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no right under domestic law to occupy the apartment. In these circumstances, the Chamber finds that the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. Additionally, the Chamber finds that the alleged violation of Article 26 of the International Covenant on Civil and Political Rights is unsubstantiated. It follows that the application is manifestly ill-founded, within the meaning of Article VIII(2)(c) of the Agreement.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel