



DECISION ON ADMISSIBILITY

CASE No. CH/00/5167

Zikret ČANČAR

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 PAJIC

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 21 June 2000. The applicant requested the Chamber to order a provisional measure to take all necessary action to prevent his eviction from the apartment in ul. Mehmeda Čauševića 25 in Zenica. On 1 July 2000 the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a decision of the Department for General Administration and Housing Affairs of the Municipality Zenica confirming the occupancy right of the pre-war occupant to regain possession of the apartment occupied by the applicant at ul. Mehmeda Čauševića 25 in Zenica. The applicant also complains of a violation of his right to appeal because under the law his appeal does not stay the eviction

II. OPINION OF THE CHAMBER

3. The Chamber notes that the decision of the Municipality Zenica was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no legal right to occupy the apartment. In these circumstances, and in the light of all the material in its possession, the Chamber finds that the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the application is manifestly ill-founded and must be rejected, 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