



DECISION ON ADMISSIBILITY

Case no. CH/00/5478

Nedžija DIZDAREVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 December 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. 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 31 July 2000. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction. On the same date the President of the Second Panel decided not to order the provisional measure requested.

2. The applicant complains of a conclusion of the Municipality Zenica on giving permission for the execution of a decision issued on 4 March 2000 by the Commission for Real Property Claims of Displaced Persons and Refugees ("Annex 7 Commission"). The Annex 7 Commission decision confirmed the occupancy right of the pre-war occupant to regain possession of the apartment, currently occupied by the applicant at ul. Islambegovića put (previously Zeničkog odreda) br. 5 in Zenica.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the conclusion of the Municipality Zenica ordered the applicant to vacate the apartment pursuant to a lawful decision allowing the pre-war occupancy right holder to repossess the apartment and terminating the applicant's right of temporary use over that 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)
Giovanni GRASSO
President of the Second Panel