



DECISION ON ADMISSIBILITY

Case no. CH/00/5618

Salem KAHVEDŽIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 November 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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 28 August 2000 and registered on 4 September 2000. The applicant is represented by Mr. Ibrahim Delibašić residing in Zenica. The applicant requested the Chamber to order as provisional measures that the decision entitling the pre-war occupant to regain possession of the apartment be annulled and the applicant's eviction from the apartment at ul. Zgoščanska 41, Kakanj scheduled on 26 October 2000, be prevented. On 24 October 2000 the President of the Second Panel decided not to order the provisional measures requested.

2. The applicant complains of a decision of the Municipality Kakanj entitling the pre-war occupant to regain possession of the apartment in question and of a decision ordering the applicant's eviction from that apartment.

II. OPINION OF THE CHAMBER

3. The Chamber notes that both decisions of the Municipality Kakanj were taken to allow the pre-war occupancy right holder to repossess the apartment. As the applicant has no legal right to occupy the apartment he was ordered to vacate the apartment pursuant to the lawful decision terminating the right of temporary use. 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 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