



DECISION ON ADMISSIBILITY

Case no. CH/00/5801

Subhija JELIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 November 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

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 27 September 2000. The applicant requested the Chamber to order a provisional measure to take all necessary action to prevent her eviction from the apartment at ul. Hamdije Čemerlića 2/II in Sarajevo, scheduled on 2 October 2000, until she was allocated other accommodation for her family. On 30 September 2000 the President of the First Panel decided not to order the provisional measure requested.
2. The applicant complains of a decision of the Administration for Housing Affairs of Canton Sarajevo 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 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 she 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.

II. 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