



DECISION ON ADMISSIBILITY

Case no. CH/00/6326

Sabina ŠABANOVIĆ

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 7 November 2000. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction from the apartment she currently occupies at ul. Fride Laufer 6 in Tuzla. On 20 November 2000 the President of the Second Panel decided not to order the provisional measure requested.

2. In the relevant part the applicant complains of the conclusion of the Municipality Tuzla issued on 19 October 2000, by which the enforcement of a decision of the Commission for Real Property Claims of Displaced Persons and Refugees (“Annex 7 Commission”) has been permitted and the applicant’s temporary occupancy right over the apartment was cancelled. Moreover, she was ordered to vacate the apartment in question and hand it over to a pre-war occupant.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the conclusion of the Municipality Tuzla, by which the applicant was ordered to vacate the apartment, was taken to allow the pre-war occupancy right holder to repossess the apartment and to terminate a temporary right of the applicant to use the apartment in question. 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