



DECISION ON ADMISSIBILITY

Case No. CH/01/6749

Skender HOT

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 June 2001 with the following members present:

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

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 22 January 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction. On 25 January 2001, the President of the Chamber ordered the provisional measure requested.
2. The applicant complains of a conclusion of the Service for Housing Affairs of the Municipality Tuzla of 9 January 2001 ordering his eviction from an apartment that he occupies.

II. OPINION OF THE CHAMBER

3. The Chamber notes that although the conclusion of 9 January 2001 might not have been issued in accordance with the law, the Service for Housing Affairs of the Municipality Tuzla issued a decision in proper form on 29 January 2001, ordering the applicant to vacate the apartment on the ground that he, as a temporary user, had no legal right to occupy the apartment. In the light of all the material in its possession, including the decision of the 29 January 2001, 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.
4. The Chamber will withdraw its order for a provisional measure with immediate effect.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE and
WITHDRAWS ITS ORDER FOR A PROVISIONAL MEASURE WITH IMMEDIATE EFFECT.**

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel