



DECISION ON ADMISSIBILITY

case no. CH/01/6795

Hasan DURMIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 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. Miodrag PAJIĆ
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 26 January 2001 and registered on 2 February. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent his eviction. On 7 February 2001 the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a Conclusion of Authorising the Enforcement of the Decision of the Commission for Real Property Claims and Displaced Persons and Refugees ordering his eviction from an apartment which he occupies. That Conclusion was issued by the Department for General Administration and Housing Affairs of the Municipality Zenica on 15 December 2000.

II OPINION OF THE CHAMBER

3. The Chamber notes that the decision in question was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no legal right to occupy the apartment. 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)
Michèle PICARD
President of the First Panel