



DECISION ON ADMISSIBILITY

CASE No. CH/01/6861

Hamzaliya BEKAN

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 March 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 13 February 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his ex-wife's registration of ownership of the apartment in Sarajevo, Ulica Džemala Bijedića no. 17. The Chamber rejected this request on 7 March 2001.
2. The applicant complains that his property right was violated because the courts have decided following divorce proceedings that the applicant's ex-wife, with whom their daughter lives remains the holder of occupancy right and the applicant's right to the disputed apartment should be discontinued.

II. OPINION OF THE CHAMBER

3. In the light of all the material in its possession, the Chamber finds that they do not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the application is manifestly ill-founded and must be rejected, 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