



DECISION ON ADMISSIBILITY

CASE No. CH/01/7395

I.I.

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 8 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice-President
Mr. Rona AYBAY
Mr. Hasan BALIĆ
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 12 April 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction from an apartment which he occupies in Sarajevo, Ulica Prvomajska 13. The Chamber rejected this request on 13 April 2001.

2. The applicant complains that the decision ordering his eviction is based on an incomplete establishment of the facts. He complains in particular that the domestic authorities failed to dismiss the request by the pre-war occupancy right holder for repossession of the apartment in question as out of time.

II. OPINION OF THE CHAMBER

3. The applicant has directed the application against Bosnia and Herzegovina. The Chamber notes, however, that the authorities responsible for the decision complained of are those of the Federation of Bosnia and Herzegovina. Therefore, Bosnia and Herzegovina cannot be held responsible for any possible human rights violations. The Chamber will of its own motion, consider the application as directed against the Federation of Bosnia and Herzegovina.

4. The Chamber decides not to accept the application. It is incompatible *ratione personae* in so far as it is directed against Bosnia and Herzegovina. With respect to the Federation of Bosnia and Herzegovina the Chamber finds that the applicant's complaints are premature as the proceedings are still pending before the Municipal Court II in Sarajevo. The domestic remedies have therefore not been exhausted as required by Article VIII(2)(a) of the Agreement. It follows that the application must be rejected.

III. CONCLUSION

6. 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