



DECISION ON ADMISSIBILITY

CASE No. CH/01/7474

Sadija HADŽIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

and

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 3 July 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. 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 7 May 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction from the apartment in Sarajevo, Ulica Avde Smajlovića 29. The Chamber rejected this request on 10 May 2001.

2. The applicant requests from the Chamber to postpone her eviction from an apartment she illegally uses at Avde Smajlović 29 in Sarajevo until her reinstatement into her house at Nahorevska 73, Sarajevo. The applicant gained this house under the Real Estate Exchange Contract concluded in March 2001, when she exchanged her pre-war real estate located in Vlasenica - Republika Srpska for the house in Sarajevo, at Nahorevska 73.

II. OPINION OF THE CHAMBER

3. The applicant has directed the application against the Republika Srpska. The Chamber notes, however, that the authorities responsible for the eviction are those of the Federation of Bosnia and Herzegovina. Therefore, Republika Srpska cannot be held responsible for any possible human rights violations. That being so, the application is incompatible *ratione personae* in so far as it is directed against the Republika Srpska.

4. The Chamber will of its own motion, consider the application as directed against the Federation of Bosnia and Herzegovina.

5. The Chamber notes that the eviction was ordered by the Administration for Housing Affairs of Canton Sarajevo on the basis of a decision finding that the applicant was occupying the apartment without any legal basis and the owner of the house was entitled to repossess it. With respect to the Federation of Bosnia and Herzegovina, 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

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