



## **DECISION ON ADMISSIBILITY**

**CASE No. CH/01/7598**

**Salih HIDO**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 October 2001 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Manfred NOWAK  
Mr. Vitomir POPOVIĆ  
Mr. Mato TADIĆ

Mr. Ulrich GARMS, 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 June 2001. The applicant requested the Chamber to issue an order for provisional measures annulling its order for a provisional measure of 8 June 2001 in case no. CH/01/7558 *Jasmina Zeković against the Federation of Bosnia and Herzegovina*. On 18 June 2001 the President of the Second Panel decided not to order the provisional measure requested.

2. The applicant complains about the Chamber's order for a provisional measure issued in the *Zeković* case suspending the scheduled eviction of Ms. Zeković from business premises in Sarajevo, at Alipašina no. 6. On 3 April 1998 the applicant obtained a decision from the Commission for Real Property Claims of Displaced Persons and Refugees, establishing his *bona fide* possession of temporary business premises, built on the same location as Ms. Zeković's business premises. Ms. Zeković registered her ownership over the business premises with the land-registry in the Municipal Court I Sarajevo. She built these premises after previously obtaining a building approval for the permanent building, issued by the Municipality Centre Sarajevo, and paying compensation to the applicant.

## II. OPINION OF THE CHAMBER

3. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept .... In so doing, the Chamber shall take into account the following criteria: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition."

4. The application is directed against the Federation of Bosnia and Herzegovina as a respondent Party. However, in essence the applicant's complaint concerns the Chamber's order for a provisional measure issued in the *Zeković* case.

5. The Chamber finds that the applicant's complaint does not concern an interference with his rights under the Agreement by the Federation of Bosnia and Herzegovina, and, insofar as it appears to be directed against an order issued by the Chamber, it is incompatible *ratione personae* with the provisions of the Agreement. It follows that the application may be rejected in this respect pursuant to Article VIII(2)(c) of the Agreement.

## III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Viktor MASENKO-MAVI  
Acting President of the Second Panel