



DECISION ON ADMISSIBILITY

CASE No. CH/01/7629

Izudin HASANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 September 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. 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 25 June 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 that he currently uses. On 26 June 2001 the President of the First Panel decided not to order the provisional measure requested.

2. By decision dated 5 December 2000, number 513-1933-1/1, the Commission for Real Property Claims for Refugees and Displaced Persons ("CRPC") recognised the right of the pre-war occupant to occupy the apartment in question.

3. On 6 April 2001 the Department for Housing Affairs of Municipality Tuzla ordered enforcement of the CRPC decision noted above.

II. OPINION OF THE CHAMBER

4. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers to be manifestly ill-founded.

5. 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.

6. The Chamber therefore decides to declare the application inadmissible as manifestly ill-founded, in accordance with Article VIII(2)(c) of the Agreement.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE

Ulrich GARMS
Registrar of the Chamber

Michèle PICARD
President of the First Panel