



DECISION ON ADMISSIBILITY

Case no. CH/01/7817

Ahmet SIRČIĆ

against

FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 December 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I FACT

1. The applicant, a pensioner living in Sarajevo, is a displaced person from the Republika Srpska, Čajniče Municipality. On 1996 the Federal Ministry of Defence allocated to him an apartment for which he concluded a contract on use.
2. On 27 June 2001 the Cantonal Administration for Housing Affairs issued a procedural decision by which his right to use the apartment was terminated and he was obliged to vacate it. The procedural decision states that the applicant is not entitled to alternative accommodation.
3. The applicant requests the Chamber to help him in relation to unpaid military salaries which would enable him to resolve his housing problem.
4. The application was introduced to the Chamber on 21 August 2001 and registered on the same day.

II OPINION OF THE CHAMBER

5. In accordance with Article VIII(2) of the Agreement, “the Chamber shall decide which applications to accept ... and shall take into account the following criteria: (a) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted...”, (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.”
6. The Chamber notes that the applicant’s eviction was ordered in order to reinstate the pre-war occupancy right holder into possession of the apartment. The applicant’s complaint concerning the threatened eviction from the apartment is therefore manifestly ill-founded in accordance with Article VIII (2)(c) of the Agreement.
7. Regarding the applicant’s request to assist him in obtain payment of unpaid salaries, the applicant has not shown or proved he applied to domestic organs to acquire his rights. In this part the application is inadmissible on the ground of failure to exhaust of domestic remedies in accordance with Article VIII(2)(a) of the Agreement.

III CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(Signed)
Ulrich GARMS
Registrar of the Chamber

(Signed)
Michèle PICARD,
President of the First Panel