



## **DECISION ON ADMISSIBILITY**

**Case no. CH/01/7821**

**Bedrija SARAJLIJA**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 March 2003 with the following members present:

Ms. Michèle PICARD, President  
Mr. Miodrag PAJIĆ, Vice-President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
Mr. Rona AYBAY  
Mr. Želimir JUKA  
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar  
Ms. Antonia DE MEO, 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 20 August 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to reinstate her into possession of her pre-war apartment located at Ganibegovićeva 11 in Zenica. On 7 November 2001, the Chamber decided not to order the provisional measure requested.

2. The applicant was the occupancy right holder of the apartment at Ganibegovićeva 11 in Zenica. On 19 September 1994, the applicant concluded a contract on use of a larger apartment located on the same street at Ganibegovićeva 3a and moved there, as the pre-war occupancy right holder had left the larger apartment in 1993.

3. On 17 November 1999, the applicant filed a request for repossession of her pre-war apartment at Ganibegovićeva 11 to the Department for General Administration and Housing Affairs of the Municipality Zenica (the "Department"). On 20 February 2001, the Department issued a conclusion refusing the request as out of time. On 23 March 2001, the applicant again filed a request for repossession of her pre-war apartment to the same organ, but this request was also refused as *res judicata*.

4. On 19 March 2001, the Department issued a decision entitling the pre-war occupancy right holder of the apartment at Ganibegovićeva 3a to repossess the apartment, thereby terminating the applicant's temporary right to use it. On 17 July 2001, the applicant was forcibly evicted from the apartment at Ganibegovićeva 3a.

5. The applicant complains that she is illiterate and that she lost her occupancy right to her pre-war apartment because the competent housing organ failed to inform her about the deadline for filing a request for repossession of her pre-war apartment. The applicant requested that the Chamber issue a decision ordering the respondent Party to reinstate her into possession of her pre-war apartment at Ganibegovićeva 11.

## **II. OPINION OF THE CHAMBER**

6. 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."

7. The Chamber notes that the decisions of the Department for General Administration and Housing Affairs of the Municipality Zenica rejecting the applicant's requests for repossession of her pre-war apartment were issued in accordance with the Law on the Cessation of the Application of the Law on Abandoned Apartments, which provides that the deadline for submitting such requests was 4 October 1999. That Law and its amendments were published in the Official Gazettes of the Federation of Bosnia and Herzegovina. Furthermore, media in the Federation of Bosnia and Herzegovina frequently informed citizens about the process and deadline for reinstatement into possession of their pre-war apartments. The Chamber is of the opinion that the respondent Party took all necessary steps to inform the citizens about the process of reinstatement and it cannot be held responsible for the applicant's failure to submit the request for repossession of her pre-war apartment on time. It follows that the application is manifestly ill-founded, within the meaning of Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

**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