



DECISION ON ADMISSIBILITY

Case no. CH/01/7866

Sadeta KOVAČ

against

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 10 September 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 she temporarily occupies in Sarajevo, until a solution has been found for her housing problem. The applicant claims that she is an eighty-percent disabled person, and as a result, she could not accept the alternative accommodation offered to her because the proposed apartment is located too far away from the bus stop. The Chamber rejected the request for provisional measures on 12 September 2001.
2. The applicant claimed that her eviction was scheduled for 13 September 2001. The Chamber has no information whether the eviction was carried out.

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 Chamber notes that the applicant’s eviction was ordered in order to reinstate the pre-war occupancy right holder into possession of the apartment. Moreover, the applicant was offered alternative accommodation, which she refused. The Chamber is sympathetic to the housing problems of the applicant, but these problems do not fall within the protection of the Agreement. Accordingly, in 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. It follows, therefore, that the Chamber decides to reject the application as manifestly ill-founded, within the meaning of Article VIII(2)(c) of the Agreement.

III. CONCLUSION

5. 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