



DECISION ON ADMISSIBILITY

Case no. CH/01/7936

Ibrahim BAJROVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 May 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice- President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitimir 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 27 September 2001. It concerns the apartment located at ul. Nahorevska no. 4 in Sarajevo, the Federation of Bosnia and Herzegovina (the “apartment”). The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction from the apartment in question, until he is provided with alternative accommodation or until conditions for return to his pre-war house are met. On 28 September 2001 the President of the Second Panel decided not to order the provisional measure requested. On 1 October 2001 the applicant submitted to the Chamber his new address.

2. The applicant complains of a conclusion of the Administration for Housing Affairs of Sarajevo Canton (the “Administration”) issued on 27 March 2001. The conclusion established that a decision of the Commission for Real Property Claims of Displaced Persons and Refugees (“CRPC”) issued on 1 February 2000 confirming the occupancy right of the pre-war occupant has become effective. The pre-war occupant was approved a right to repossess the apartment, the applicant’s temporary right of use of the apartment was cancelled, and he was ordered to vacate it within 90 days, with the right to alternative accommodation. According to the Administration, at a hearing held on 9 August 2001, the applicant had refused the alternative accommodation he was offered in Ilidža and/or Blažuj (places near by Sarajevo), with two years rent paid for. Alternatively, he was offered to take that money for the reconstruction of his house. However, the applicant explicitly requested to be provided alternative accommodation within the Sarajevo city area.

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 was ordered to vacate the apartment pursuant to a lawful decision terminating a right of temporary use. The Administration took this decision in order to enable the pre-war occupant to regain possession of the apartment. In these circumstances, the Chamber finds that the facts complained of do not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. 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

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel