



DECISION ON ADMISSIBILITY AND TO STRIKE OUT

Case no. CH/01/8561

Nusret ISAKOVIĆ

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 May 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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 Articles VIII(2)(c) and VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application concerns two requests by the applicant, the first being prevention of his eviction from a house he currently occupies in Sarajevo, and the second being to be reinstated into possession of his pre-war property in Rogatica, the Republika Srpska.

II. FACTS

2. The applicant is a displaced person from Rogatica, the Republika Srpska. Since 1994, he has been living with his seven-member family in Sarajevo, at Gatačka St. no. 49, in a private house owned by J.R., a person of Serb origin.

3. On 16 August 2000, the applicant lodged a request for the repossession of his pre-war property in Rogatica with the Ministry for Displaced Persons and Refugees, Department Rogatica.

4. On 24 December 2000, the Commission for Property Claims of Displaced Persons and Refugees issued a decision confirming that the applicant was a pre-war *bona fide* possessor of the property at cadastre lot no. 2216/6, deed of title no. 2408 k.o., Rogatica City – Rogatica.

5. The applicant alleges that on 4 May 2001, he received a procedural decision scheduling his eviction from the house in Sarajevo for 6 August 2001. The eviction was thereafter postponed and rescheduled for 28 November 2001, and then postponed again for a second time.

6. On 5 December 2001, the Municipal Department for Urban, Housing and Communal Issues, Municipality of Novi Grad Sarajevo informed the applicant that his eviction was scheduled for a third time for 26 December 2001. In the same letter, it was alleged that the eviction scheduled for 28 November 2001 had been postponed because the Cantonal Ministry for Labor, Social Policy, Displaced Persons and Refugees had failed to provide alternative accommodation for the applicant.

7. The applicant alleges that the alternative accommodation for his family has been provided in the collective centre in Srednje.

III. PROCEEDINGS BEFORE THE CHAMBER

8. The application was introduced on 12 December 2001 and registered on 14 December 2001.

9. In the application, 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 house he occupied in Sarajevo, at Gatačka St. no. 49, until he has been reinstated into possession of his pre-war property in Rogatica, the Republika Srpska. On 19 December 2001, the President of the First Panel decided not to order the provisional measure requested.

10. The Registry of the Chamber attempted to contact the applicant at the telephone number of the house in Sarajevo at Gatačka St. no. 49, as designated in his application. The person who answered the telephone said that the applicant does not live at that address anymore.

11. On 10 April 2003, the Chamber sent a letter to the applicant's contact address at Gatačka St. no. 49 in Sarajevo via registered mail, return receipt requested. On 14 April 2003, the letter was returned to the Chamber with a note that the applicant had moved and that his new address was not known.

12. Since submitting his application to the Chamber, the applicant has not contacted the Chamber.

IV. OPINION OF THE CHAMBER

A. Concerning the applicant's request to prevent his eviction

13. 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."

14. The Chamber notes that the decision on the applicant's eviction was taken to allow the owner to repossess the house. In these circumstances, the Chamber finds that this part of the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that this part of 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 in part.

B. Concerning the applicant's request for repossession of his pre-war property in Rogatica

15. In accordance with Article VIII(3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his/her application; ... provided that such result is consistent with the objective of respect for human rights."

16. Rule 46(6) of the Chamber's Rules of Procedure states that "applicants shall keep the Chamber informed of any change of their address".

17. The Chamber notes that it appears that the applicant has been evicted from the house he occupied in Sarajevo and that he has not informed the Chamber of any new contract address. In these circumstances, it is impossible for the Chamber to communicate with the applicant about his application. Accordingly, the Chamber concludes that the applicant does not intend to pursue his application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore decides to strike out the remainder of the application.

V. CONCLUSION

18. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE IN PART and
STRIKES OUT THE REMAINDER OF THE APPLICATION.**

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel