



DECISION ON ADMISSIBILITY

Case no. CH/02/8726

Enver KEHIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel, on 9 April 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. 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 FACTS AND PROCEEDINGS

1. The application was introduced with the Chamber on 24 January 2002. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary steps to prevent his eviction from the apartment at Brčanska no. 2/X in Sarajevo scheduled on 28 January 2002. On 24 January 2002 the President of the Second Panel decided not to order the requested provisional measure.

2. The applicant complains of a decision of the Administration for Housing Affairs of Canton Sarajevo ordering his eviction from the apartment which he occupies. The eviction was ordered because the pre-war occupancy right holder, L.S.DŽ., has obtained a decision on 3 May 2001 entitling her to regain possession of the apartment and terminating the applicant's right to use it.

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 decision on the applicant's eviction was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no right under domestic law to occupy the apartment. In these circumstances, 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 that the application is manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement. The Chamber therefore finds it appropriate to declare this part of 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