



DECISION ON ADMISSIBILITY

Case no. CH/98/928

Zijad DŽOMBA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 December 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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 7 September 1998.
2. The applicant requested the Chamber to prevent his eviction from the apartment located at Antuna Hangije no. 5/IV, in Sarajevo.

II. FACTS

3. The applicant is a displaced person from Foča. In 1994 he escaped to Sarajevo and moved into the apartment in question.
4. The applicant addressed the Administration for Housing Affairs of the City of Sarajevo (the "Administration"), seeking a procedural decision on temporarily use of the apartment in question. The Administration refused the applicant's request.
5. The owner of the apartment, d.d. DOM, initiated a procedure before the Administration for Housing Affairs of the Municipal Centar Sarajevo to evict the applicant from the apartment in question.
6. On 5 June 2002 the applicant's representative informed the Chamber that the Municipal Court I in Sarajevo issued a decision on 2 June 1999, obliging the applicant to vacate the apartment in question. The applicant has since been evicted from the apartment.

III. OPINION OF THE CHAMBER

7. 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."
8. The Chamber notes that the decision on the applicant's eviction was taken to allow the owner 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 decides to declare the application inadmissible.

IV. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mr. Viktor MASENKO-MAVI
Acting President of the Second Panel