



DECISION ON THE ADMISSIBILITY

CASE No. CH/99/1830

Slobodan RAKOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 March 1999 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Vlatko MARKOVIĆ
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ

Mr. Leif BERG, 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

1. The application concerns the right of the applicant to occupy an apartment located at Braće Jugovića 11, Banja Luka, Republika Srpska. The applicant entered the apartment in 1992, after having received the keys to it from members of the local community. He did not receive any official decision of any organ entitling him to enter into possession of the apartment.

2. On 11 December 1998, the Ministry for Refugees and Displaced Persons (“the Ministry”) issued a decision authorising the applicant’s eviction from the apartment. The applicant received the decision on 21 January 1999 and destroyed it upon receipt, without reading it. The applicant has not lodged any appeal against the decision.

3. Also on 11 December 1998, the Ministry issued a conclusion ordering the applicant’s eviction from the apartment. The applicant had two weeks from the date of receipt of this decision to lodge an appeal against it. The applicant has not informed the Chamber of whether he actually lodged any such appeal. On 9 February 1999, the Ministry tried to evict the applicant, but without success. The applicant has not informed the Chamber of whether any further attempts have been made to evict him, and whether they have been successful.

II. COMPLAINTS

4. The applicant does not make any specific allegations that any of his human rights have been violated. He states generally that his human rights will be violated if he is evicted.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 10 February 1999 and registered on the same day. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction. On 11 February 1999, the Second Panel of the Chamber refused the request for a provisional measure.

IV. OPINION OF THE CHAMBER

6. Before considering the merits of the case the Chamber must decide whether to accept the case, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers manifestly ill-founded.

7. The Chamber notes that the applicant entered into possession of the apartment in 1992, having been given the keys to it by members of the local community. He was not given any decision of any authority entitling him to occupy the apartment. Therefore, the applicant occupied the apartment illegally. The Chamber notes further that at no stage did the applicant approach any official authority with a view to regularising his occupancy of the apartment, although he could have sought to do so.

8. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel