



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/1181

Milan JANJUZ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 July 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

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 applicant is a citizen of Bosnia and Herzegovina, of Serb descent. He occupies an apartment located at Kralja Aleksandra No. 1, Prijedor, Republika Srpska. He was temporarily allocated the apartment by a decision of Prijedor Garrison Headquarters of 20 May 1995. On 7 October 1996 the Housing Commission of Military Post 1750, Prijedor invalidated the decision of 20 May 1995, since the Municipal Court in Prijedor ("the court"), by its decision of 23 April 1996, had established that the apartment had been purchased by the previous holder of the occupancy right, and therefore the Garrison Headquarters had no right to dispose of the apartment.
2. On 17 October 1996 the applicant entered into a lease contract with the owner of the apartment. On 10 March 1997 the owner terminated the contract.
3. On 1 September 1997 the applicant was allocated the same apartment by the Commission for Accommodation of Refugees and Administration of Abandoned Property, Prijedor.
4. The owner of the apartment has initiated administrative proceedings before the Municipality of Prijedor for the applicant's eviction. On 1 October 1997 the Municipal Secretariat for Urbanism and Housing-Communal Affairs ("the Secretariat") refused the owner's request. On 22 June 1998 the Ministry for Urbanism, Housing-Communal Affairs, Civil Engineering and Ecology invalidated the decision of 1 October 1997 and the case was returned to the Secretariat for reconsideration.
5. The owner has initiated civil proceedings before the court for the applicant's eviction. On 9 February 1999 the court issued a decision ordering the applicant to vacate the apartment. The applicant appealed against the court decision. The appeal suspends the execution.
6. The applicant still occupies the apartment in question.

II. COMPLAINTS

7. The applicant makes no allegation of violation of his human rights. He generally complains of his eviction from the apartment and of not being provided another accommodation.

III. PROCEEDINGS BEFORE THE CHAMBER

8. The application was introduced on 22 September 1998 and registered on the same day.
9. The applicant requested that the Chamber order a provisional measure to prevent his eviction. This request was refused by the President of the Chamber. The applicant was asked to inform the Registry whether he wanted to pursue his application before the Chamber by 23 February 1999. On 24 February 1999 the applicant informed the Registry that he wanted to pursue his application.

IV. OPINION OF THE CHAMBER

10. 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)(a), the Chamber must consider whether effective remedies exist and whether the applicant has demonstrated that they have been exhausted.
11. The Chamber has already found that the appeal against a court decision such as the decision mentioned in paragraph 5 above cannot be considered to be have been ineffective within the meaning of Article VIII(2)(a) of the Agreement (*Ovuk v. The Republika Srpska*, Decision of 13 March 1999, paragraph 7). Therefore the Chamber has no reason to doubt that the remedies available to the applicant in the present case are effective.
12. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(a) of the Agreement, as the applicant has not demonstrated that the effective domestic remedies have been exhausted.

V. CONCLUSION

13. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel