



DECISION ON THE ADMISSIBILITY

CASE No. CH/99/1946

S.K.

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. 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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant occupies an apartment in Sime Miljuša Street No. 8, Banja Luka. She entered into possession of the apartment in July 1995, upon a verbal agreement with an official of the "Metal" Company, the holder of the allocation right over the apartment. The applicant has never managed to obtain a formal allocation decision.

2. On 17 July 1998 the Secretariat for Housing Affairs of the Municipality of Banja Luka ("the Secretariat") issued a decision authorising the applicant's eviction from the apartment. This decision was based on the ground that the applicant is an illegal occupant of the apartment.

3. There have been two attempts to evict the applicant, neither of them successful. The one of 9 November 1998 was postponed while the other of 27 November 1998 was prevented by an order for provisional measures issued by the President of the Human Rights Chamber on 27 November 1998 in Case No. CH/98/1387 *S.K. v. Republika Srpska*. The order was in force until 11 December 1998 and has not been renewed.

4. On 18 May 1999 the Secretariat issued a conclusion scheduling the applicant's eviction for 18 May 1999.

II. COMPLAINT

5. The applicant complains that her right to housing has been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced on 9 June 1999 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent the applicant's eviction.

7. On 9 June 1999 the First Panel refused the request for a provisional measure.

IV. OPINION OF THE CHAMBER

8. 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)(b), the Chamber shall not address any application which is substantially the same as a matter which has already been examined by the Chamber or has already been submitted to another procedure or international investigation or settlement.

9. The Chamber notes that this case is substantially the same as Case No. CH/98/1387 which the First Panel declared inadmissible on 14 May 1999. The applicant has not demonstrated that any new facts have occurred that might affect the opinion of the Chamber expressed in the decision of 14 May 1999.

10. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(b) of the Agreement, as it is substantially the same as a matter which has already been examined by the Chamber.

V. CONCLUSION

11. 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