



DECISION ON ADMISSIBILITY

Case no. CH/99/2347

Jagoda JOKIĆ

against

THE REPUBLIKA SRPSKA

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

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

Mr. Anders MÅNSSON, 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. She illegally occupies an apartment located at Žarka Zgonjanina Street No. 19/31, Prijedor, Republika Srpska.
2. The holder of the allocation right over the apartment initiated proceedings before the Municipal Secretariat for Urbanism and Housing Affairs in Prijedor ("the Secretariat"), seeking the applicant's eviction from the apartment. On 16 December 1998 the Secretariat issued a decision ordering the applicant to vacate the apartment. She did not appeal against the Secretariat's decision. She claims that she was told by an official of the Secretariat that she had no prospect of success in the appeal proceedings.
3. On 29 December 1998 the Secretariat issued a conclusion authorising the forcible eviction of the applicant. The eviction was scheduled for 4 June 1999. The applicant appealed against the conclusion. There have been no developments in the appeal proceedings before the Ministry for Urbanism, Housing-Communal Affairs, Civil Engineering and Ecology, which is the body competent to decide upon the appeal.
4. On 2 June 1999 the applicant requested the Secretariat to postpone the eviction. There has been no reply to her request. On 3 September 1999 the applicant was informed in writing that the eviction would take place on 10 September 1999.
5. The applicant claims that the pre-war holder of the occupancy right over the apartment requested the return of her right. However, the applicant's eviction has not been scheduled upon the request of the original holder of the occupancy right, but upon the request of the holder of the allocation right. She further states that the eviction proceedings are not conducted in order to reinstate the original holder of the occupancy right.

II. COMPLAINTS

6. The applicant complains of violations of her rights as provided for by Articles 8 and 13 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

7. The application was introduced on 7 September 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 suspend her eviction from the apartment.
8. On 8 September 1999 the Chamber decided to refuse the request for a provisional measure. On the same day it considered the admissibility of the application. On 7 October 1999 the Chamber adopted the present decision.

IV. OPINION OF THE CHAMBER

9. 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.
10. The Chamber notes that the applicant has all the relevant time been an illegal occupant of the apartment in question. In the circumstances of the case, the Chamber finds no evidence of a violation of the applicant's rights as protected by the Agreement.
11. 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

12. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel