



DECISION ON ADMISSIBILITY

Case no. CH/99/2387

Živko DOBRIČANIN

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 January 2000 with the following members present:

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

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, who is citizen of Bosnia and Herzegovina and a refugee of Serb origin, occupied an apartment located at Slobodana Jovanovića 21 in Banja Luka. On 1 October 1992 he entered into an agreement with the owner of the apartment, under which he resided there. On 14 August 1997 the owner initiated proceedings before the Court of First Instance in Banja Luka to terminate the agreement and regain possession of the apartment. On 3 September 1998 the Court issued a decision in these terms. The applicant appealed against this decision to the Regional Court which, on 20 April 1999, rejected his appeal as unfounded.

2. The owner of the apartment sought execution of the decision. An unsuccessful attempt to evict the applicant took place on 6 October 1999. A further attempt was scheduled for 16 October 1999. The applicant has not informed the Chamber of whether he still occupies the apartment.

II. COMPLAINTS

3. The applicant complains in general of the attempts to evict him.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 13 October 1999 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to prevent his eviction from the apartment.

5. On 26 October 1999 the applicant was informed in writing that his request had been refused by the President of the Chamber. This letter was returned to the Chamber undelivered.

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 complains of the attempts to evict him from the apartment he occupied. He occupied this apartment in accordance with an agreement with its owner. His eviction was ordered after court proceedings initiated by that person, who sought to terminate the agreement and regain possession of the apartment. The applicant exercised his right of appeal against the decision of the Court of First Instance. There is no indication that the conduct of the proceedings before the courts of the Republika Srpska was not in accordance with the requirements of the Agreement. The case therefore does not reveal any evidence of a violation of the Agreement.

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)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel