



DECISION ON ADMISSIBILITY

Case no. CH/00/3620

Branimir KULJANIN

against

REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 April 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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, displaced from Mostar, Federation of Bosnia and Herzegovina. He lived in an apartment located in Skendera Kulenovića in Banja Luka, having been granted the right to occupy it on 11 February 1997 by the holder of the allocation right over it, the University of Banja Luka. The applicant has not submitted any evidence that he entered into a contract for the use of the apartment, as is required by the relevant law of the Republika Srpska.
2. The pre-war occupant of the apartment, who holds the occupancy right over it, initiated proceedings to regain possession of the apartment. On 27 September 1999 the Commission for the Accommodation of Refugees and Administration of Abandoned Property in Banja Luka, a department of the Ministry for Refugees and Displaced Persons, issued a decision entitling him to regain possession of it. The applicant's appeal against this decision has been refused. He has also requested the Commission to renew the proceedings in the matter. The applicant claims that he has initiated an administrative dispute before the Regional Court in Banja Luka against the decision of the Ministry, but has not provided details to the Chamber.
3. On 25 January 2000 the Commission issued a conclusion, scheduling the applicant's eviction for 15 February 2000. The applicant has not informed the Chamber of whether he still occupies the apartment.

II. COMPLAINTS

4. The applicant does not make any allegations of violations of any his rights as protected by the Agreement. He claims that he is entitled to be provided with alternative accommodation "appropriate to his needs" by the Ministry.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 7 February 2000 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary steps to prevent his eviction from the apartment until he is provided with suitable alternative accommodation.
6. On 11 February 2000 the Chamber decided to reject the request for a provisional measure.

IV. OPINION OF THE CHAMBER

7. Before considering the merits of the case the Chamber must decide whether to accept it, 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, *inter alia*, manifestly ill-founded.
8. The Chamber notes that the applicant was ordered by the Ministry to vacate the house. This decision has been made after proceedings provided for under the applicable law in the Republika Srpska and was taken in order to enable the pre-war occupant of the apartment to regain possession of it. The decision of the Commission was therefore taken in accordance with the appropriate national law and the applicant has availed himself of his right to appeal against this decision, which was refused.
9. The Chamber therefore considers that the proceedings relating to the eviction of the applicant from the apartment were conducted in accordance with the national law and that the application raises no issue relating to a potential violation of the applicant's rights as protected by the Agreement.

10. 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

11. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel