



DECISION ON ADMISSIBILITY

Case no. CH/00/3730

Simo BULJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 June 2000 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitimir 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, a citizen of Bosnia and Herzegovina of Serb origin, is a displaced person from Zenica in the Federation of Bosnia and Herzegovina. He is a temporary occupant of a house in Banja Luka on the basis of a decision of the Ministry for Refugees and Displaced Persons in Banja Luka (the exact date of the decision has not been submitted by the applicant).

2. On 23 January 2000 the Ministry issued a decision ordering the return of the house into the possession of the owner who is of Bosniak origin and terminating the applicant's right to use it. On 10 April 2000 the applicant appealed to the Ministry against this decision. It is unknown to the Chamber if there has been any decision on this appeal to date.

II. COMPLAINT

3. The applicant alleges violations of his rights as protected under Articles 6 and 8 of the European Convention on Human Rights and Article 1 Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 11 April 2000 and registered on the same date. The applicant requested the Chamber to order the respondent Party as a provisional measure to take all necessary steps to prevent his eviction from the house in Banja Luka. On 11 May 2000 the request was refused by the Chamber.

IV. OPINION OF THE CHAMBER

5. 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 manifestly ill-founded.

6. The Chamber notes that the applicant's right to use the house in Banja Luka was only of a temporary nature. The Ministry for Refugees and Displaced Persons has ordered its return to the owner. Thus, the applicant is an illegal occupant of the house. In these circumstances, the Chamber cannot find that the application raises any issues under the Agreement.

7. 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

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel