



DECISION ON ADMISSIBILITY

Case no. CH/00/3704

Radoslav BURAZOR

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. 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, a citizen of Bosnia and Herzegovina, currently occupies an apartment situated in Kozarska Dubica in Republika Srpska. He claims that he uses the apartment concerned on the basis of a life support contract concluded with the previous holder of the occupancy right. However, the condition required by the relevant law for the validity of this contract (to live for five years in the same household with the person with whom the applicant has concluded the mentioned contract with) has not been complied with.

2. On 25 January 2000 the Secretariat for Administration Affairs in Kozarska Dubica ordered the applicant to vacate the apartment he occupies. On 3 March 2000 the Ministry for Urbanism, Housing-Communal Affairs, Constructing and Ecology rejected the applicant's appeal against this decision. On 22 March 2000 the Secretariat issued a decision scheduling the applicant's forcible eviction from the apartment for 28 March 2000. On 23 March 2000 the applicant initiated an administrative dispute before the Supreme Court of the Republika Srpska. The current status of these proceedings is unknown to the Chamber.

II. COMPLAINT

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

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 24 March 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 stop his eviction from the apartment in Kozarska Dubica. On 28 March 2000 the President of the Panel ordered the respondent Party to prevent this eviction until the final decision regarding the applicant's case is taken 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 conditions required by law for the applicant to become the holder of the occupancy right over the apartment have not been fulfilled. Thus, the applicant is an illegal occupant of the apartment. In these circumstances, the Chamber cannot find that the application raises an issue 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.

8. Consequently, the Chamber also decides to revoke the order for provisional measures.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE; AND
REVOKES THE ORDER FOR PROVISIONAL MEASURES.**

(signed)
Anders MÅNSSON
Registrar of the Chamber

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