



DECISION ON ADMISSIBILITY

Case no. CH/00/3827

Nikola GAK

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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, a citizen of Bosnia and Herzegovina, is a displaced person from Pritoka in the Federation of Bosnia and Herzegovina. He was granted a temporary right to occupy a house in Novi Grad in the Republika Srpska, by a decision issued by the Ministry for Refugees and Displaced Persons in Novi Grad (the date of this decision has not been submitted by the applicant).

2. On 12 May 1999 the Ministry in Novi Grad issued a decision, ordering that the house be returned to the owner and terminating the applicant's right to use it. The applicant claims that he made an appeal to the Ministry for Refugees and Displaced Persons in Banja Luka, a second instance organ, (exact date of initiation of these proceedings unknown to the Chamber) but it was rejected as manifestly ill-founded. On 27 April 2000 the Ministry in Novi Grad issued a decision ordering that the decision of 12 May 1999 be enforced, and scheduling the applicant's eviction for 16 May 2000. The applicant appealed against the decision of 27 April 2000 on 10 May 2000 to the Ministry in Banja Luka. The applicant has not stated if these proceedings are still pending or whether he still occupies the house.

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 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 12 May 2000 and registered on the same date. The applicant requested the Chamber to order the Republika Srpska, as a provisional measure, to take all necessary steps to stop his eviction from the house. On 12 May 2000 his 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 Novi Grad was only of a temporary nature. The Ministry for Refugees and Displaced Persons in Novi Grad has ordered its return to the owner. Thus, the applicant has no longer any right to use the house under the relevant law. In these circumstances, the Chamber cannot find that the applicant's rights as protected by the Agreement have been violated.

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)
Andrew GROTRIAN
Acting President of the First Panel