



## **DECISION ON ADMISSIBILITY**

**Case no. CH/99/1890**

**Ismet MISIMOVIĆ**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 July 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) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

**I. FACTS**

1. The applicant, a citizen of Bosnia and Herzegovina of Bosniak origin, is the owner of real property in Gradiška, Republika Srpska. He left it during the war and now seeks to regain possession of it.

**II. COMPLAINTS**

2. The applicant complains of violations of his rights as protected by Articles 8 and 13 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention. He also complains of discrimination in the enjoyment of those rights.

**III. PROCEEDINGS BEFORE THE CHAMBER**

3. The application was introduced on 2 April 1999 and registered on the same day.

4. The applicant previously applied to the Chamber concerning the same matter. That application was registered under case no. CH/98/847. The Chamber delivered its decision on the admissibility and merits of that application on 10 December 1999 (see cases nos. CH/98/752 *et. al.*, *Bašić and others*, Decisions August-December 1999). It found that the rights of the applicant as guaranteed by Articles 6 and 8 of the European Convention on Human Rights and by Article 1 of Protocol No. 1 to the Convention had been violated and that he had been discriminated against in the enjoyment of those rights on the ground of his national origin. It ordered the Republika Srpska to enable the applicant to regain possession of his property without further delay and to pay him monetary compensation of 3,000 *Konvertibilnih Maraka* in respect of mental suffering and payments for alternative accommodation.

**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)(b) of the Agreement, the Chamber shall not address any application which is substantially the same as a matter which has, *inter alia*, already been examined by the Chamber.

6. The Chamber notes that the present application concerns the same matter as that which it examined in the cases of *Bašić and others* (see paragraph 4 above).

7. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(b) of the Agreement as it is the same as a matter which it has previously examined.

**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