



DECISION ON ADMISSIBILITY

Case no. CH/00/3919

Pero KRUPLJANIN

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Peter KEMPEES, 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, occupies an apartment located at Ulica Vidovdanska 73, 11/P, Gradiška, Republika Srpska. The holder of the allocation right (the company "Elektrokrajina", Banja Luka) allocated him the apartment for temporary use, on 15 September 1993. On 4 October the applicant and the company signed the contract for temporary use.
2. On 22 February 2000 the Ministry for Refugees and Displaced Persons in Gradiška ("the Ministry") issued a decision confirming the right of the pre-war occupant to repossess the apartment concerned. By the same decision the applicant's right to use it was terminated.
3. On 27 June 2000 the applicant appealed against the above-mentioned decision. However, it is not clear, from the documents submitted by the applicant, to which organ he appealed. These proceedings are apparently still pending.

II. COMPLAINTS

4. The applicant alleges in substance that his right to a fair trial and his right to respect for his home have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 3 July 2000 and registered on the same day. The applicant requested the Chamber to order the Republika Srpska, as a provisional measure, to take all necessary steps to delay his eviction from the apartment until a decision had been taken by the Chamber. On 4 September 2000 the Chamber refused this request.

IV. OPINION OF THE CHAMBER

6. 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.
7. The applicant alleges that his right to a fair hearing has been violated. However, the Chamber notes that the conduct of the proceedings before the national authorities does not reveal any evidence of a violation of the Agreement, as those proceedings appear to have been conducted in accordance with the relevant national law and in accordance with the applicant's rights as guaranteed by the Agreement.
8. As regards the complaints of the applicant that his right to respect for his home has been violated, the Chamber notes that the applicant's right to use the relevant apartment was only of a temporary nature. The Ministry for Refugees and Displaced Persons has ordered its return to the pre-war occupant. Consequently, the applicant has no longer any right to occupy the apartment under the relevant law. In these circumstances, the Chamber cannot find that the applicant's rights as protected by the Agreement have been violated.
9. 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

10. For these reasons, the Chamber, unanimously,
DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel