



## **DECISION ON ADMISSIBILITY**

**CASE No. CH/01/7111**

**Jovan PAVIČAR**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel, on 3 April 2001 with the following members present:

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

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. INTRODUCTION**

1. The application was introduced on 12 March 2001 and registered on the same day. The applicant requested that the Chamber order to the respondent Party as a provisional measure to take all necessary action to prevent his eviction from an apartment of which he is the temporary user. On 21 March 2001, the President decided not to order the provisional measure requested.
2. The applicant complains of a decision of the Ministry for Refugees and Displaced Persons in Banja Luka dated 9 June 2000, ordering his eviction from an apartment which he occupies.

**II. OPINION OF THE CHAMBER**

3. The Chamber notes that the decision in question was taken to allow the pre-war holder of the occupancy right to repossess the apartment and that the applicant has no legal right to occupy the apartment. In these circumstances and in the light of all the material in its possession, the Chamber finds that the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the application must be rejected as manifestly ill-founded, in accordance with Article VIII(2)(c) of the Agreement.

**III. CONCLUSION**

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

(signed)  
Olga KAPIĆ  
Deputy Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the First Panel