



DECISION ON ADMISSIBILITY

Case no. CH/01/7229

Radenko LOJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel, on 6 September 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. Ulrich GARMS, 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 16 July 2001 and registered on the same day. The applicant requested that the Chamber order 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 25 July 2001, the President of the First Panel decided not to order the provisional measure requested.

2. The applicant complains of a judgement of the First Instance Court in Banja Luka, dated 14 September 1999 and a procedural decision of the Ministry for Refugees and Displaced Persons in Banja Luka dated 27 June 2000, both ordering his eviction from the apartment concerned.

II. OPINION OF THE CHAMBER

3. 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.

4. 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 continue to occupy it. 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.

5. The Chamber therefore decides to declare the application inadmissible as manifestly-ill founded, within the meaning of Article VIII(2)(c) of the Agreement.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel