



DECISION ON ADMISSIBILITY

Case no. CH/01/8135

Vladislav KNEZ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 January 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 19 December 2001.
2. The applicant complains about the Chamber's order for a provisional measure issued on 17 December 2001 in case no. Ch/01/8128, *Milan Kepčija v. The Republika Srpska* which suspended the scheduled eviction of Mr. Kepčija from an apartment located at Dure Dakića 2/3, Banja Luka. The applicant's occupancy right to this apartment was confirmed by the decisions issued on 19 May 2000 by the Ministry of Refugees and Displaced Persons, on 12 September 2000 by the CRPC, and on 27 January 2001 by the Court of First Instance in Banja Luka.

II. OPINION OF THE CHAMBER

3. The application is directed against the Republika Srpska as a respondent Party. However, in essence the applicant's complaint concerns the Chamber's order for a provisional measure issued in the *Kepčija* case.
4. The Chamber finds that the applicant's complaint does not concern an interference with his rights under the Agreement by the Republika Srpska, and, insofar as it appears to be directed against an order issued by the Chamber, it is incompatible *ratione personae* with the provisions of the Agreement. It follows that the application may be rejected in this respect pursuant to Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel