



DECISION ON ADMISSIBILITY

Case no. CH/02/9448

**Members of the Supervisory Board of the Local Community
Mladikovine**

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 September 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
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 Articles 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 4 April 2002 and registered the same day.
2. The applicants are members of the Supervisory Board of the Local Community Mladikovine, a territorial sub-administration of the Municipality Teslić, Republika Srpska. They allege that on 2 July 2000 the Council of the Local Community Mladikovine issued a decision allocating some land on the territory of the Local Community Mladikovine to the Church Community Mladikovine for building a house for Orthodox priests. The applicants claim that the site's proximity to the Youth Center Mladikovine would disrupt the social activities of the local community and that the Council overstepped its authority in issuing the decision.
3. The applicants complained to the competent authorities of the Teslić Municipality and Republika Srpska and brought the matter to the attention of Church officials, but the issues have not been resolved. On 30 July 2001 the applicants filed a lawsuit to the Supreme Court of Republika Srpska in order to initiate an administrative dispute, but they received no reply as of the date of the application.
4. The application was introduced on 1 March 2002 and registered on 7 March 2002. The applicants allege violations of their rights to freedom of thought, conscience and religion, to freedom of expression, to freedom of assembly and association and to freedom of movement within a state as protected by Articles 9, 10 and 11 of the European Convention on Human Rights and by Article 2 of Protocol No. 4 to the Convention, respectively. The applicants requested that the Chamber order the respondent Party to stop construction on the disputed site. On 4 June 2002 the Chamber rejected the applicant's request for provisional measures.

II. OPINION OF THE CHAMBER

5. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept In so doing, the Chamber shall take into account the following criteria: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition."
6. The applicants provide no evidence that a new rectory will prevent the Youth Center Mladikovine from being used in the same manner and for the same purposes as presently. Consequently, building a house for priests near recreational grounds in no way interferes with the applicants' freedom of religion, expression, assembly and association, protected by Articles 9, 10 and 11 of the Convention, respectively. Finally, there is no evidence that the applicants' liberty of movement within the state's territory, protected by Article 2 of Protocol No. 4 to the Convention, is in any way limited or interfered with by the Council's decision to build a house for priests. Therefore, 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 is manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare this part of the application inadmissible.

III. CONCLUSION

7. 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