



DECISION ON ADMISSIBILITY

Case no. CH/03/13096

Džavid PRIGANICA

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 May 2003 with the following members present:

Mr. Jakob MÖLLER, Acting President
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 applicant requested the Chamber to issue an order for a provisional measure annulling its order for a provisional measure in case no. CH/02/10772 *Veljko RADAKOVIĆ against the Republika Srpska*. By this provisional measure, issued on 16 December 2002, the Chamber ordered the Republika Srpska to suspend the eviction of Mr. Radaković from an apartment in Banja Luka, over which the applicant claims the right to repossession. On 6 May 2003, the Chamber decided to reject the provisional measure requested.

2. The applicant complains about the Chamber's order for a provisional measure issued in the above-mentioned case preventing the eviction of Mr. Radaković from an apartment in Banja Luka, situated at Stojanke majke Knežpoljke 3/2. The applicant states that on 2 May 2000, he received a decision of the Commission for Real Property Claims of Refugees and Displaced Persons confirming his occupancy right over the apartment in Banja Luka. On 21 October 2002, the Ministry of Refugees and Displaced Persons issued the conclusion on eviction of Mr. Radaković from the apartment in question. This eviction has not been carried out, however, because the Chamber issued its order for provisional measure for an indefinite time period. The applicant complains that he has been waiting for more than 4 years for repossession of his pre-war apartment. By the Chamber's order for a provisional measure, his right protected under Article 6 of the Convention has been violated.

II. OPINION OF THE CHAMBER

3. 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."

4. The application is directed against the Republika Srpska as the respondent Party. However, in essence the applicant's complaint concerns the Chamber's order for a provisional measure issued in case no. CH/02/10772 *Veljko RADAKOVIĆ against the Republika Srpska*.

5. The Chamber finds that the applicant's complaint does not concern an interference with her 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. The Chamber therefore decides to declare the application inadmissible pursuant to 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)
Jakob MÖLLER
Acting President of the Second Panel