



DECISION ON ADMISSIBILITY

Case no. CH/03/10983

Mirsada KUJUNDŽIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 June 2003 with the following members present:

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

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)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The present application was introduced to the Chamber on 6 March 2003. Thereafter, on 10 March 2003, the applicant submitted another application to the Chamber, registered as case no. CH/03/13102. The two applications concern the same facts and complaints.

II. FACTS AND COMPLAINTS

2. In both the present application and the application in case no. CH/03/13102, the applicant complains about the Chamber's order for a provisional measure issued on 6 February 2003 in case no. CH/03/10896, *Andelka Svitlica Dražić v. the Republika Srpska*. By that provisional measure, the Chamber suspended the forcible eviction of Mrs. Svitlica Dražić from an apartment in Banja Luka, located at Đure Đakovića 10, claimed by the applicant.

3. The applicant states that she concluded a contract on exchange of apartments with Mrs. Svitlica Dražić on 22 February 1992. However, according to the applicant, this contract has never been signed or verified by the Court. On 25 July 2000, the applicant received a decision of the Commission for Real Property Claims of Refugees and Displaced Persons (CRPC) confirming her *bona fide* pre-war possession of the apartment in Banja Luka. On 19 April 2002, the Ministry of Refugees and Displaced Persons issued a conclusion on eviction of Mrs. Svitlica Dražić from the applicant's pre-war apartment in Banja Luka. The eviction was scheduled for 28 January 2003, but it was not carried out. The eviction was again scheduled for 7 February 2003. This eviction was postponed because the Chamber issued its order for a provisional measure on 6 February 2003, ordering the respondent Party to suspend the eviction of Mrs. Svitlica Dražić.

4. The applicant complains that the Chamber's order for a provisional measure in case no. CH/03/10896, *Andelka Svitlica Dražić v. the Republika Srpska*, was issued only on the basis of the fact that the temporary occupant initiated court proceedings on 24 January 2003.

iii. PROCEEDINGS BEFORE THE CHAMBER

5. In the present application, the applicant requests the Chamber to issue an order for a provisional measure annulling its order for a provisional measure of 6 February 2003 in case no. CH/03/10896, *Andelka Svitlica Dražić v. the Republika Srpska*. On 5 June 2003, the Chamber decided to reject the provisional measure requested.

6. In her other application in case no. CH/03/13102, the applicant made the same request for a provisional measure. On 1 April 2003, the Chamber decided to reject that provisional measure requested.

7. On the same day, the Chamber adopted a decision on admissibility declaring case no. CH/03/13102 inadmissible pursuant to Article VIII(2)(c) of the Agreement. The Chamber noted that the applicant's complaints in that case concerned the Chamber's order for a provisional measure in the *Andelka Svitlica Dražić* case. The Chamber found that the complaints did not concern an interference with her rights under the Agreement by the Republika Srpska, the respondent Party. Therefore, the Chamber declared the application incompatible *ratione personae* with the Agreement.

IV. OPINION OF THE CHAMBER

8. 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: ... (b) The Chamber shall not address any application which is substantially the same as a matter which has already been examined by the Chamber or has already been submitted to another procedure of international investigation or settlement."

9. The Chamber observes that on 1 April 2003, it declared inadmissible case no. CH/03/13102, *Kujundžić v. the Republika Srpska*. The Chamber finds that the present

application is essentially the same as the one previously examined. Accordingly, the application does not comply with the requirements of Article VIII(2)(b) of the Agreement. The Chamber therefore decides to declare the present application inadmissible as well.

V. CONCLUSION

10. 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