



DECISION ON ADMISSIBILITY

Case no. CH/00/3659

Lazar NOVAKOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Anders MÅNSSON, 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. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, is a displaced person from Zenica in the Federation of Bosnia and Herzegovina. He is a temporary occupant of part of a house situated in Banja Luka in accordance with a decision issued by the Ministry for Refugees and Displaced Persons in Banja Luka on 18 June 1996.

2. On 6 August 1999 the Ministry issued a decision ordering that the relevant part of the house be returned to the owner and terminating the applicant's right to use it. On 8 September 1999 the applicant appealed to the Ministry, but his appeal was rejected on 26 January 2000. On 24 February 2000 the applicant initiated an administrative dispute before the Supreme Court of the Republika Srpska. The Chamber has not been informed if these proceedings are still pending or whether the applicant still occupies the relevant part of the house.

II. COMPLAINT

3. The applicant alleges in substance that his right to respect for his home has been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 25 February 2000 and registered on the same date. The applicant requested the Chamber to order the Republika Srpska, as a provisional measure, to take all necessary steps to stop his eviction from the house in Banja Luka. On 3 April 2000 his request was refused by the Chamber.

IV. OPINION OF THE CHAMBER

5. 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.

6. The Chamber notes that the applicant's right to use the relevant part of the house was only of a temporary nature. The Ministry for Refugees and Displaced Persons has ordered its return to the owner. Accordingly, the applicant has no longer any right to occupy the house under the relevant law. In these circumstances, the Chamber cannot find that the applicant's rights as protected by the Agreement have been violated.

7. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel