



DECISION ON ADMISSIBILITY

Case no. CH/00/3678

Uroš NINKOVIĆ

against

THE REPUBLIKA SRPSKA

and

THE FEDERATION OF THE BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 May 2000 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. 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. This application concerns the attempts of the applicant (a displaced person from Glamoč in the Federation of Bosnia and Herzegovina) to prevent his eviction from a house situated in Banja Luka which he temporarily occupies. The applicant's right to use the house is based on a decision issued by the Ministry for Refugees and Displaced Persons in Banja Luka on 30 October 1996. On 5 January 2000 this Ministry issued a decision ordering the return of the house into the possession of the owner and terminating the applicant's right to use it. On 17 January 2000 the applicant appealed to the Ministry. It is unknown to the Chamber if there has been any decision taken in these proceedings.

2. On 3 March 1999 the applicant initiated proceedings to regain possession of an apartment situated in Glamoč. On 31 August 1999 he also applied to the Commission for Real Property Claims of Refugees and Displaced Persons in this regard. The applicant states that there has been no decision issued in these proceedings.

ii. COMPLAINTS

3. The applicant alleges violations of his rights protected under Articles 6 and 8 of the European Convention on Human Rights and Article 1 Protocol No. 1 to the European Convention on Human Rights. These allegations appear to be related both to the house in Banja Luka and to the apartment in Glamoč.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 9 March 2000 and registered on the same date. The applicant requested the Chamber to order a provisional measures in order to stop his eviction from the house in Banja Luka. On 3 April 2000 the above request was refused by the Second Panel.

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. Accordingly to Article VIII(2)(c) the Chamber shall dismiss any application which it considers manifestly ill-founded.

6. As regards the house in Banja Luka, the Chamber notes that the applicant's right to use this house is only of a temporary nature. The Ministry for Refugees and Displaced Persons has ordered its return to the owner. In these circumstances the Chamber cannot find that the applicant's rights as protected by the Agreement have been violated. Furthermore, in relation to the apartment in Glamoč, the applicant has not substantiated that any of his rights 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)
Giovanni GRASSO
President of the Second Panel