



DECISION ON ADMISSIBILITY

Case no. CH/00/3679

Stanimir MIŠKOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 June 2000 with the following members present:

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

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, occupied part of a house located at Vojvode Petre Krece in Banja Luka. He did so in accordance with a decision of the Ministry for Refugees and Displaced Persons in Banja Luka dated 28 March 1997.
2. On 13 December 1999 the Ministry in Banja Luka issued a decision entitling the legal successors of the owner of the house to regain possession of it and ordered the applicant to vacate it within 90 days. The applicant was granted the right to alternative accommodation. On 3 January 2000 the applicant appealed against the decision to the second instance organ on a number of factual grounds. According to the information available to the Chamber, there has been no decision on this appeal to date.
3. The applicant has not informed the Chamber of whether he still occupies the house.

II. COMPLAINTS

4. The applicant complains of violations of his rights as protected by Articles 6 and 8 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 10 March 2000 and registered on the same day. The applicant requested the Chamber to order the Republika Srpska as a provisional measure to provide him with alternative accommodation. On 3 April 2000 the Chamber refused this request.

IV. OPINION OF THE CHAMBER

6. 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.
7. The Chamber notes that the applicant essentially complains of the alleged failure of the Republika Srpska to provide him with alternative accommodation to that he occupied.
8. The Chamber notes that the conduct of the proceedings before the national authorities does not reveal any evidence of a violation of the Agreement, as those proceedings appear to have been conducted in accordance with the relevant national law and in accordance with the applicant's rights as guaranteed by the Agreement.
9. As regards the complaints of the applicant that his rights as protected by Article 8 and Article 1 of Protocol No. 1 to the Convention have been violated, the Chamber notes that the Agreement does not grant a right to accommodation as such. In any event, the decision of the Ministry in Banja Luka entitling the successors of the owners of the house concerned in the application to regain possession of the house from the applicant granted him the right to alternative accommodation. Therefore the application does not raise any issue under these provisions.
10. 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

11. For these reasons, the Chamber, unanimously,
DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel