



DECISION ON ADMISSIBILITY

Case no. CH/00/3694

Spomenka TOŠIĆ

against

THE REPUBLIKA SRPSKA

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. The applicant is a displaced person from Zenica in the Federation of Bosnia and Herzegovina. She is a temporary user of an apartment in Doboj on the basis of a decision issued by the Ministry for Refugees and Displaced Persons in Doboj on 5 March 1998.

2. On 22 February 2000 the Ministry issued a decision declaring S.S. as the pre-war holder of the occupancy right and terminating the applicant's right to use the apartment. On 13 March 2000 the applicant lodged an appeal to the Ministry for Refugees and Displaced Persons in Banja Luka. On 7 March 2000 the Municipality Doboj (the holder of the allocation right) also appealed against the decision to the Ministry for Refugees and Displaced Persons in Doboj. It is unknown to the Registry whether there has been any developments in these proceedings.

3. The applicant claims that S.S. has no right to be declared the holder of the occupancy right over the apartment in Doboj.

II. COMPLAINTS

4. The applicant does not allege any specific violation of her rights under the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 15 March 2000 and registered on the same date. The applicant requested the Chamber to order a provisional measure in order to stop her eviction from the apartment. On 3 April 2000 the above request was refused by the Second Panel.

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's complaints relate to the apartment in Doboj. Her right to use this apartment is only of a temporary nature. The Ministry for Refugees and Displaced Persons has ordered its return to the previous holder of the occupancy right. In these circumstances the Chamber cannot find that the applicant's rights as protected by the Agreement have been violated.

8. 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

9. 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