



DECISION ON ADMISSIBILITY

Case no. CH/00/3710

Predrag ĐUKIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 April 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
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, Federation of Bosnia and Herzegovina) to prevent his eviction from a house situated in Banja Luka ("the house") he temporarily occupies. The applicant's right to use the house was based on a decision issued by the Ministry for Refugees and Displaced Persons, in Banja Luka dated 24 January 1997. On 24 August 1999 the above 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 10 January 2000 the Ministry for Refugees and Displaced Persons rejected the applicant's complaint against the above decision. On 20 March 2000 the Ministry issued a decision of enforcement of the decision dated 24 August 1999. The eviction was scheduled for 3 April 2000.

2. On 8 February 2000 the Department for Economy and Finances, Municipality Glamoč, issued a decision confirming that the applicant is the holder of the occupancy right over an apartment situated in Glamoč ("the apartment"). The above decision states that the applicant will be reinstated into the possession of the apartment over which he holds the occupancy right on 23 February 2000. The applicant claims that the above apartment has been devastated and therefore it is impossible for him to return to it.

II. COMPLAINT

3. The applicant does not allege any specific violation of his rights.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 29 March 2000 and registered on the same date. The applicant requested the Chamber to order provisional measures in order to stop his eviction from the apartment. On 30 March 2000 the above request was refused by the President of the 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. Pursuant to Article VIII(2)(c) the Chamber shall dismiss any application which it considers manifestly ill-founded.

6. The Chamber notes that the applicant has not proved any violation of any of his rights as protected under the European Convention on Human Rights or the Agreement, nor can the Chamber of its own motion find any evidence of such violation. Accordingly, the Chamber finds that the applicant's complaint is manifestly ill-founded.

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