



## **DECISION ON ADMISSIBILITY**

**Case no. CH/00/3806**

**Dragica UZELAC**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 June 2000 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting 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)(d) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

**I. FACTS**

1. The applicant is a citizen of Bosnia and Herzegovina of Serb origin. On 24 October 1980 she concluded a contract on use of an apartment in Prijedor, Republika Srpska, with the holder of the allocation right. She claims that a third person entered the apartment at a time when she was working and living in Banja Luka. On 31 March 1999 she requested the Ministry for Refugees and Displaced Persons in Prijedor to allow her to regain possession of the apartment concerned. On 16 September 1999 she repeated her request as she had not received any reply. These proceedings are still pending. On 29 February 2000 the applicant initiated proceedings to regain possession over the apartment before the Commission for Real Property Claims of Displaced Persons and Refugees ("Annex 7 Commission"). These proceedings are also still pending.

**II. COMPLAINT**

2. The applicant complains generally of her difficult circumstances.

**III. PROCEEDINGS BEFORE THE CHAMBER**

3. The application was introduced on 27 April 2000 and registered on the same date. The applicant requested the Chamber to order the respondent Party as a provisional measure to take all necessary steps to allow her to regain possession of the apartment. On 11 May 2000 the request was refused by the Chamber.

**IV. OPINION OF THE CHAMBER**

4. 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)(d) the Chamber may reject or defer further consideration if the application concerns a matter currently pending before any other Commission established by the Annexes to the General Framework Agreement.

5. The Chamber recalls that the applicant, before lodging the present application, had already initiated proceedings before the Annex 7 Commission regarding the apartment in Prijedor. The Chamber notes that the applicant has not indicated nor does it appear that her complaint before the Chamber is different from the subject matter which she has brought before the Annex 7 Commission. In these circumstances, the Chamber considers that the case is inadmissible within the meaning of Article VIII(2)(d) (see case no. CH/97/78, *Dubravac*, decision on admissibility of 10 September 1999, Decisions August-December 1999).

6. Accordingly, the Chamber decides not to accept the application, pursuant to Article VIII(2)(d) of the Agreement.

**V. CONCLUSION**

7. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Anders MÅNSSON  
Registrar of the Chamber

(signed)  
Viktor MASENKO-MAVI  
Acting President of the Second Panel