



## **DECISION ON ADMISSIBILITY**

**Case no. CH/00/3810**

**Borislav GLIGIĆ**

**against**

**THE REPUBLIKA SRPSKA**

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

Mr. Viktor MASENKO-MAVI, Acting-President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Manfred NOWAK  
Mr. Vitimir 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)(a) and 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 citizen of Bosnia and Herzegovina. The land that he previously owned, was expropriated on 27 March 1980 by the municipality Slatina in Republika Srpska. The applicant requested the Municipal Administration for Geodetic and Property Affairs to abrogate the above decision, due to the failure of the user of the expropriated land to use it for its intended purpose (date of request unknown to the Chamber). This request was rejected on 20 September 1993. On 26 December 1996 following the applicant's appeal (date of appeal unknown to the Chamber) the Republic Administration for Geodetic and Property Affairs upheld the decision of 20 September 1993. On 14 March 1997 the applicant initiated proceedings before the Supreme Court of the Republika Srpska against the decision of 26 December 1996. On 11 September 1998 the court rejected this appeal as manifestly ill-founded.

## **II. COMPLAINT**

2. The applicant alleges that his property rights have been violated.

## **III. PROCEEDINGS BEFORE THE CHAMBER**

3. The application was introduced on 3 May 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 prevent all building works on the land concerned. On 5 June 2000 his request was rejected.

## **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. According to Article VIII(2)(a), the Chamber shall dismiss any application which has been filed more than six months after the date on which the final decision has been taken at national level.

5. The Chamber first notes that the applicant applied to the Chamber on 3 May 2000 against the decision of the Supreme Court of the Republika Srpska, which was made on 11 September 1998. The applicant has not sought to put forward any reasons for this delay of over one and a half years, nor can the Chamber of its own motion find any such reasons. Therefore the application is inadmissible for non-compliance with the six-month rule.

## **V. CONCLUSION**

6. 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