



DECISION ON ADMISSIBILITY

CASE No. CH/00/6015

Stevan BOJIĆ

against

**BOSNIA AND HERZEGOVINA
AND
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel, on 7 March 2001 with the following members present:

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

Mr. Peter KEMPEES, 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. INTRODUCTION

1. The application was introduced on 8 August 2000 and registered on 14 August 2000. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary action to prevent his eviction from an apartment of which he is the temporary user. On 21 February 2001, the Chamber decided to order the provisional measure requested.
2. The applicant complains of a decision of the Ministry for Refugees and Displaced Persons in Banja Luka dated 26 June 2000 ordering his eviction from an apartment which he occupies.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the decision in question was taken to allow the pre-war holder of the occupancy right to repossess the apartment and that the applicant has no legal right to occupy the apartment. In these circumstances and in the light of all the material in its possession, the Chamber finds that the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the application must be rejected as manifestly ill-founded, in accordance with Article VIII(2)(c) of the Agreement.
4. The Chamber will withdraw its order for a provisional measure with immediate effect

III. CONCLUSION

5. For these reasons, the Chamber, unanimously

DECLARES THE APPLICATION INADMISSIBLE and

WITHDRAWS ITS ORDER FOR A PROVISIONAL MEASURE WITH IMMEDIATE EFFECT

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel