



DECISION ON ADMISSIBILITY

CASE No. CH/00/6055

Branko SPASOJEVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 October 2000 with the following members present:

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

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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 25 August 2000. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to ensure his repossession of one room, in an apartment located at Ulica MIS A.P. Irbi 3c in Gradiška. On 12 October 2000 the Chamber decided not to order the provisional measure requested.

2. The applicant claims to have the right to take over the occupancy right over the above-mentioned apartment as a member of his late father's household. However, the Ministry for Refugees and Displaced Persons in Banja Luka issued a decision on 6 July 2000 stating that the applicant had not proved that he was a member of the household and referred the case back to the Ministry for Refugees and Displaced Persons Section Gradiška.

II. OPINION OF THE CHAMBER

3. The Chamber has examined the application and finds that the applicants failed to appeal to the Supreme Court of the Republika Srpska against the decision of 6 July 2000. The applicant has not shown that this remedy was ineffective and it does not appear so to the Chamber. The Chamber finds that the applicant has therefore not, as required by Article VIII(2)(a) of the Agreement, exhausted the effective remedies. It follows that the application must be rejected.

III. CONCLUSION

4. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel