



DECISION ON ADMISSIBILITY

CASE No. CH/00/6198

Dorđe STUPAR

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 November 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitimir POPOVIĆ
Mr. Mato TADIĆ

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 23 October 2000 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent his eviction from an apartment over which his late father held the occupancy right. On 24 October 2000 the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a decision of the Secretariat for Housing Affairs in Banja Luka ordering his eviction from the apartment in question on the ground that, although registered there, he had in fact not lived there, thus not being entitled to a transfer of the occupancy right to his own name.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the applicant was ordered to vacate the apartment on the ground that he had no legal right to occupy the apartment. In the light of all the material in its possession, the Chamber finds that the facts complained of do 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.

III. CONCLUSION

4. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel