



DECISION ON ADMISSIBILITY

CASE No. CH/01/7253

Goran STOJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 September 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. Ulrich GARMS, 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. By decision of 20 December 2000 the Ministry for Refugees and Displaced Persons in Doboï confirmed that the applicant (the pre-war occupant) is the holder of the occupancy right over his apartment located at Ulica Filipa Višnjića 30/41. The temporary occupant requested a review of that decision. By decision dated 12 February 2001 the Ministry annulled this decision of the first instance organ and returned the matter for further consideration. The proceedings before the Ministry have not yet concluded.

2. The applicant has occupied his current apartment since 1995. The applicant fears that the Ministry for Refugees and Displaced Persons will restore the former occupant to the applicant's current apartment, although there is no information provided as to the status of those proceedings.

3. The applicant requests, as provisional measures, that the Chamber order the respondent Party to: 1) prevent the current occupant from purchasing the applicant's former apartment; and 2) suspend the proceedings on the apartment in which he resides. This request was denied by the President of the First Panel on 14 August 2001.

II. COMPLAINTS

4. The applicant alleges a violation of Articles 6 and 8, and Article 1 of Protocol 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 9 August 2001 and registered on the same day.

IV. OPINION OF THE CHAMBER

6. 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 must consider whether effective domestic remedies exist, and if so, whether the applicant has demonstrated that they have been exhausted.

7. The Chamber notes that the applicant admits that the proceedings with respect to his current and former apartments are continuing. Further, no evidence has been provided to demonstrate that such remedies would not be effective.

8. Accordingly the Chamber decides not to accept the application pursuant to Article VIII(2)(a) of the Agreement, as the applicant has not demonstrated that effective domestic remedies have been exhausted.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel