



DECISION ON ADMISSIBILITY

Case No. CH/01/7737

Muhamed DRLJEVIĆ

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
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. The application was introduced on 25 July 2001. The applicant occupies the apartment with no legal bases in Sarajevo, Antuna Kneževića St. 32. The applicant requested that the Chamber order the Federation of Bosnia and Herzegovina, as a provisional measure, to take all necessary action to prevent his eviction until he would be reinstated into his house in Kopači- Republika Srpska. On 6 September 2001, the Chamber decided not to order the provisional measure requested.

2. On 22 September 1999, the applicant submitted to the Ministry for Refugees and Displaced Persons, Department Srpsko Goražde, the claim for reinstatement into possession of his house in Kopači, but until today it has not been decided upon his claim.

II. OPINION OF THE CHAMBER

3. As far as the Federation for Bosnia and Herzegovina is concerned, the Chamber notes, that, in accordance with Article VIII(2) of the Agreement, it “shall decide which applications to accept ... and shall take into account the following criteria: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition.”

4. The Chamber notes that the applicant has no legal right to occupy it. In these circumstances, 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 this part of the application is manifestly ill-founded, within the meaning of Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare the application inadmissible as against the Federation of Bosnia and Herzegovina.

5. As far as Republika Srpska is concerned, the Chamber states that, in accordance with Article VIII(2) of the Agreement, it “shall decide which applications to accept ... and shall take into account the following criteria: (a) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted”

6. The Chamber finds that the applicant failed to initiate proceedings before the Ministry for Refugees and Displaced Persons in Republika Srpska as second instance organ because of the “silence of administration”. 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 therefore decides to declare the application inadmissible also as against the Republika Srpska.

III. CONCLUSION

7. For these reasons, the Chamber unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michele PICARD
President of the First Panel