



DECISION ON ADMISSIBILITY

Case no. CH/01/8385

Stana KOVAČEVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 January 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
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 applicant was the temporary occupant of an apartment in Vlasenica, ulica Svetog Apostola Petra i Pavla 27, which was allocated to her in 1999 by the procedural decision of the Ministry for Refugees and Displaced Persons of the Republika Srpska – Commission for Accommodation of Refugees and Administration with Abandoned Property.
2. On 4 October 2001 the Ministry for Refugees and Displaced Persons of the Republika Srpska issued a procedural decision following the request for reinstatement of the pre-war occupancy right holder, E.D. This decision states that the applicant is obliged to vacate the apartment in question.
3. On 1 November 2001 the applicant received a conclusion on permission of execution of the procedural decision, scheduling the eviction for 8 November 2001.
4. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to stop the eviction proceeding. On 7 November 2001 the Chamber rejected the request for provisional measures.

II OPINION OF THE CHAMBER

5. In accordance with Article VIII(2) of the Agreement, “the Chamber shall decide which applications to accept ... In so doing the Chamber 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.”
6. The Chamber notes that the applicant’s eviction was ordered in order to reinstate the pre-war occupancy right holder into possession of the apartment and that the applicant has no right to remain in the apartment. It follows that the complaint concerning the threatened eviction is manifestly ill-founded in accordance with Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

III CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(Signed)
Ulrich GARMS
Registrar of the Chamber

(Signed)
Michèle PICARD
President of First Panel