



DECISION ON ADMISSIBILITY

Case no. CH/02/8786

Petar JOVANOVIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 June 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 to the Chamber on 4 February 2002. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary steps to prevent his eviction from an apartment at Kneginje Milice no. 2/5 in Bijeljina scheduled on 18 February 2002. On 15 February 2002 the President of the Second Panel decided not to order the provisional measure requested.
2. The applicant complains of a decision of the Republika Srpska Ministry for Refugees and Displaced Persons, Section in Bijeljina entitling the pre-war occupant to regain possession of the apartment and terminating the applicant's temporary right to use it.
3. The applicant is a retired JNA officer. The applicant states that he filed a request for repossession of his pre-war apartment located in Split in Croatia but he has not received any answer.

II. OPINION OF THE CHAMBER

4. 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."

A. Admissibility as against Bosnia and Herzegovina

5. With regard to the two respondent Parties, the Chamber notes that the Republika Srpska Ministry for Refugees and Displaced Persons, Section in Bijeljina, the organ responsible for the proceedings complained of by the applicant, is an organ of the Republika Srpska. Therefore, the actions in question engage the responsibility of the Republika Srpska, not of Bosnia and Herzegovina, for the purposes of Article II(2) of the Agreement. Accordingly, as directed against Bosnia and Herzegovina, the application is incompatible *ratione personae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible as against Bosnia and Herzegovina.

B. Admissibility as against the Republika Srpska

6. The Chamber notes that the decision of the Republika Srpska Ministry for Refugees and Displaced Persons, Section in Bijeljina to terminate the applicant's temporary right to use the apartment was issued to allow the pre-war occupant to regain possession of the apartment. 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 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 Republika Srpska.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(Signed)
Ulrich GARMS
Registrar of the Chamber

(Signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel