



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/1230

Mile STANIŠIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 July 1999 with the following members present:

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

Mr. Leif BERG, 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) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina of Serb descent. On 7 April 1995 the Banja Luka Municipality Sector for Housing and Property Affairs granted the applicant a temporary right to occupy a house located at Milovana Glišića 4, Banja Luka, Republika Srpska. This decision was valid for a period of twelve months. On 30 September 1996 the Commission for the Accommodation of Refugees and Administration of Abandoned Property in Banja Luka (“the Commission”), a department of the Ministry for Refugees and Displaced Persons (“the Ministry”) declared the applicant to be an illegal occupant of the house and ordered him to vacate it within three days under threat of forcible eviction. The applicant appealed to the Ministry against this decision. On 30 October 1996, this appeal was refused. The applicant has not informed the Chamber of whether he has been evicted from the house.

II. COMPLAINTS

2. The applicant claims that his rights to life and family life have been violated. He asks that the Municipality of Banja Luka be ordered to resolve his housing problem.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 16 October 1998 and registered on the same day.

IV. OPINION OF THE CHAMBER

4. Before considering the merits of the case the Chamber must decide whether to accept the case, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers manifestly ill-founded.

5. The Chamber notes that the applicant was granted a temporary right to occupy the house. This temporary right had expired prior to the decision of the Commission of 30 September 1996 (see paragraph 1 above). Accordingly the applicant was an illegal occupant of the house and no issue of a potential violation of the applicant’s human rights as protected by the Agreement arises in this regard.

6. The applicant requests that the Municipality of Banja Luka be ordered to resolve his housing problem. The Chamber notes that the Agreement does not guarantee any right to be granted accommodation as such. While rights concerning property may constitute “possessions” and therefore be protected by Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Chamber has previously held that neither this provision nor any other provision of the Convention affords any right to be granted a property right (*Tomić v. The Republika Srpska*, Case No. CH/98/1588, decision of 9 February 1999, paragraph 9).

7. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel