



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/1597

Zuhdija LOJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 July 1999 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. 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)(c) 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 Bosniak descent. On 27 April 1992 he entered into a purchase contract with the JNA regarding an apartment in Banja Luka, Republika Srpska. On 2 June 1992 the applicant registered himself as the owner of the apartment. The applicant has subsequently left Banja Luka, and informally exchanged his apartment for another in Bihać, the Federation of Bosnia and Herzegovina. The person that the applicant exchanged the apartment with is presently occupying the apartment.

II. COMPLAINT

2. The applicant complains that he is being denied a right of disposal with respect to his apartment as his private property.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 3 December 1998 and registered on the same day. The applicant is represented by Mr. Ilija Grabo.

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 only complains of a violation of his right to property. However, the Chamber notes that the applicant's ownership over the apartment is not in dispute. Furthermore, the applicant agrees to the person mentioned in paragraph 1 above occupying the apartment.

6. The Chamber finds that in the present case it does not appear that any of the applicant's rights protected by the Agreement have been violated.

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)
Michèle PICARD
President of the First Panel