



DECISION ON ADMISSIBILITY

Case no. CH/98/720

Milorad GAJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 April 2000 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. Vitimir POPOVIĆ
Mr. Mato TADIĆ

Mr. Anders MÅNSSON, 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)(a) 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 origin. He alleges that he is the co-owner (for 3/4) of a house in Kasindo Street 27, Serb Ilidža. During the war his part of the house was occupied by M.L., who is still living there.

2. On 15 July 1997 the applicant addressed a letter to the Municipality of Serb Ilidža in order to regain possession of his part of the house. In this letter he stated that his former son-in-law, who is the co-owner of the house and who is living in the other part of the house, did not let him approach the house and the property. The applicant stated that the police refused to assist him in regaining possession of the house.

3. The applicant has not initiated court proceedings in this matter. He states, without any substantiation, that he “was not acquainted with possibilities of appealing” and that “courts in the Republika Srpska never wanted to accept his complaint”.

II. COMPLAINT

4. The applicant alleges a violation of his rights to respect for his home and to peaceful enjoyment of his possessions under Article 8 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to that Convention, respectively.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 25 June 1998 and registered on the same day. On 18 January 2000 the Chamber invited the applicant to give more information about the remedies pursued to repossess the property and to submit relevant documents as evidence of his co-ownership of the house in question. The Chamber's letter, sent to the address indicated in the application form, was returned as the applicant had moved to a different address.

IV. OPINION OF THE CHAMBER

6. Before considering the merits of the case, the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(a), the Chamber must consider whether effective remedies exist and whether the applicant has demonstrated that they have been exhausted.

7. The Chamber notes that the applicant has not pursued the proceedings before the administrative organs, nor initiated proceedings before the competent court to regain possession of his property. Also, he has not substantiated his claim that these remedies were not accessible or effective.

8. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(a) of the Agreement, as the applicant has not exhausted domestic remedies.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,
DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel