



DECISION ON ADMISSIBILITY

Case no. CH/99/1847

Goran OSTOJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 3 April 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, occupied an apartment located at Beogradska 11 in Banja Luka. He entered into the apartment in early 1996 without any legal basis. He subsequently applied to the Ministry for Refugees and Displaced Persons, requesting that they allocate him the apartment for his use. The Ministry did so in accordance with a decision dated 31 December 1997.

2. The holder of the allocation right initiated proceedings before the Housing Affairs Secretariat of Banja Luka Municipality, seeking to have the applicant evicted from it. After proceedings before that organ, in which the applicant participated, the Secretariat issued a decision declaring him to be an illegal occupant of the apartment and ordering him to vacate it. The applicant appealed against this decision to the Ministry for Urbanism, Housing-Communal Affairs, Construction and Ecology of the Republika Srpska. On 26 April 1999 his appeal was refused as ill-founded. The applicant claims that he produced the decision of the Ministry for Refugees and Displaced Persons during these appeal proceedings, but that it was not taken into account. The applicant has not informed the Chamber of whether he still occupies the apartment.

II. COMPLAINTS

3. The applicant complains in general of the attempts to evict him from the apartment.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 18 February 1999 and registered on the same day. On 3 June 1999 the Chamber requested certain further information from the applicant, which was received on 15 June 1999.

IV. OPINION OF THE CHAMBER

5. 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)(c), the Chamber shall dismiss any application which it considers manifestly ill-founded.

6. The Chamber notes that the applicant complains of the attempts to evict him from the apartment concerned in the application. He entered into this apartment illegally in 1996, and subsequently received a decision of the Ministry for Refugees and Displaced Persons entitling him to occupy it on 31 December 1997. The applicant only produced this decision in the second instance proceedings brought by the holder of the allocation right over the apartment seeking to regain possession of it. In any event, the conduct of the proceedings before the national authorities does not reveal any evidence of a violation of the Agreement, as those proceedings appear to have been conducted in accordance with the relevant national law and in accordance with the applicant's rights as guaranteed by the Agreement.

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)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel