



DECISION ON ADMISSIBILITY

Case no. CH/99/1906

Radovan ŠUMATIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 January 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-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 application concerns the attempts of the applicant, a citizen of Bosnia and Herzegovina, to obtain a permanent occupancy right over an apartment. He is a displaced person from the Federation of Bosnia and Herzegovina. Since 1992 he has resided in a number of apartments in accordance with temporary decisions of his employer. He currently occupies an apartment located at Knjeginje Milice 2/6 in Doboj in accordance with a temporary decision of his employer, the holder of the allocation right over it. On 21 December 1998 the Ministry for Refugees and Displaced Persons in Doboj ordered him to vacate it. However, according to the information provided by the applicant, there have been no attempts to evict him to date.

II. COMPLAINTS

2. The applicant does not allege that any of his rights as guaranteed by the Agreement have been violated. He complains that his employer has unfairly refused to provide him with permanent accommodation.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 21 April 1999 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 to be, *inter alia*, incompatible with the Agreement *ratione materiae*.

5. The Chamber notes that the applicant's claims essentially relate to the refusal of his employer to provide him with permanent accommodation.

6. The Chamber notes that the Agreement does not, as such, provide a right to accommodation. The Chamber further notes that Article 1 of Protocol No. 1 to the Convention only protects existing possessions (see case no. CH/98/1295 *Panić*, decision on admissibility of 4 November 1999, paragraph 11, Decisions August-December 1999).

7. Accordingly, the Chamber decides not to accept the application, it being incompatible *ratione materiae* with the Agreement, within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel