



DECISION ON ADMISSIBILITY

Case no. CH/99/1986

Stana JARIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 November 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. 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 of Serb origin, entered into possession of a house located in Solunska street (“the house”) in Banja Luka in the course of 1995. She claims that she did so with the permission of the owner of the house, but has not provided any evidence to support this statement. On 23 September 1997 she was allocated the house for temporary use by the Commission for the Accommodation of Refugees and Administration of Abandoned Property in Banja Luka. On 26 April 1999 the Commission revoked this decision and ordered the applicant to vacate the house within ninety days. The reason given for this decision was that another person who had entered into a contract with the previous owner of the house, under which they exchanged their properties, wished to enter into possession of it. This contract is currently the subject of proceedings before the Municipal Court in Banja Luka, in which the previous owner of the house contests the validity of the exchange contract. The applicant is not a party to these proceedings.

2. The applicant claims that she was orally informed by an official of the Commission that her eviction was scheduled for 26 July 1999. She was not evicted on this date. She has not informed the Chamber of whether she still occupies the house.

II. COMPLAINTS

3. The applicant claims that her right to respect for her home, as protected by Article 8 of the European Convention on Human Rights, and her right to an effective remedy against violations of her human rights at national level, as protected by Article 13 of the Convention, have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 23 July 1998 and registered on the same day. The applicant requested that the Chamber order the respondent Party as a provisional measure to take all necessary action to prevent her eviction. On 8 September 1999 the Chamber refused the request for a provisional measure.

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 has not provided any evidence that shows that she is entitled to occupy the house. Accordingly, it concludes that she occupies it without any legal basis. The facts of the case do not, therefore, raise an issue under Article 8 of the Convention. Nor does the Chamber consider that the case raises an issue in respect of any of the applicant’s other rights as protected 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)
Giovanni GRASSO
President of the Second Panel