



DECISION ON ADMISSIBILITY

Case no. CH/99/1998

Anto TOMLJENVIĆ

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 is a citizen of Bosnia and Herzegovina. The application concerns a dispute between him and his sister over real property which was owned by their deceased father. Both the applicant and his sister wish to be registered as the owner of the property, on which a house is built. Proceedings initiated by the applicant's sister culminated in a decision of the Supreme Court of the Republika Srpska on 11 October 1996, declaring the applicant's sister to be the owner of the property. This decision is final and binding. The property is currently occupied by Bosnian Serb displaced persons. The applicant's sister has sought to regain possession of it before the appropriate administrative organs of the Republika Srpska. On 9 July 1999 the Ministry for Refugees and Displaced Persons issued a decision entitling her to regain possession of the property. The applicant has appealed against this decision, although he has no standing under national law to do so. He has not informed the Chamber of the outcome, if any, of this appeal.

II. COMPLAINTS

2. The applicant complains in a general manner of a violation of his right to property.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 14 June 1999 and registered on 29 July 1999. The applicant requested that the Chamber order the respondent Party as a provisional measure to invalidate the entry into force of the decision of the Supreme Court of the Republika Srpska of 11 October 1996 until the final decision in the case. On 8 September 1999 the Chamber refused the request for a provisional measure.

IV. OPINION OF THE CHAMBER

4. 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.

5. The Chamber notes that the subject matter of the dispute has been decided upon by the courts of the Republika Srpska, culminating in the decision of the Supreme Court of 11 October 1996. The Chamber has no evidence before it to indicate that the domestic proceedings were not conducted in accordance with the requirements of the Agreement.

6. Concerning the alleged violation of the applicant's right to property, the Chamber has previously held that normally "disputes between private parties do not give rise to a violation of the right to property which could be attributed to one of the respondent Parties ..." (case no. CH/98/1209, *Beronja*, decision on admissibility of 12 November 1998, paragraph 14, Decisions and Reports 1998). The Chamber considers that the present application involves such a situation.

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