



DECISION ON ADMISSIBILITY

Case no. CH/99/2382

Slobodan ŠTEKOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 November 1999 with the following members present:

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

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

I. FACTS

1. The facts of the present case – summarised below – are substantially the same as case no. CH/99/1963, *Vesna and Slobodan Šteković*, which was declared inadmissible by the Chamber on 9 September 1999.
2. The applicant's father was the holder of the occupancy right over an apartment located at Miloša Obrenovića 8 in Prijedor until 24 May 1997, when he died. The applicant and his sister, Ms. Vesna Šteković, requested the Municipal Secretariat for Urbanism and Housing-Communal Affairs to succeed into the occupancy right.
3. On 14 December 1998 the Secretariat rejected the request. It found that neither the applicant nor his sister could be considered to have been members of their father's family household since they had registered residences in Belgrade, Yugoslavia – where their families lived – as well as in Prijedor. Accordingly, they did not meet the requirements under the Law on Housing Relations. The Secretariat took into account evidence given by a witness – a neighbour of their father's – who stated that the applicant and his sister had not lived in the apartment in question. Also, the Secretariat had regard to a written statement made by their father in 1994, according to which he lived in the apartment only with his wife, who died later that year. This document was examined by an expert in graphology, who certified that it had been signed by the father.
4. The applicant and his sister appealed against the decision. On 1 March 1999 the Ministry for Urbanism, Housing-Communal Affairs, Civil Engineering and Ecology rejected the appeal. On 13 April 1999 they initiated an administrative dispute before the Supreme Court to have the Ministry's decision invalidated.
5. The Public Attorney requested the eviction of the applicant and his sister. On 22 June 1999 the Secretariat issued a decision ordering them to vacate the apartment within three days. They have appealed against this decision.

II. COMPLAINTS

6. The applicant complains of violations of his right of access to a legally established organ and his rights to peaceful enjoyment of his possessions and to respect for his home.

III. PROCEEDINGS BEFORE THE CHAMBER

7. The application was introduced on 7 October 1999 and registered on the same day. The applicant requested that the Chamber, as a provisional measure, order the respondent Party to take all necessary action to prevent the applicant's eviction. This request was rejected by the President of the Chamber on 7 October 1999.

IV. OPINION OF THE CHAMBER

8. 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)(b), the Chamber shall not address any application which is substantially the same as a matter which has already been examined by the Chamber.
9. The Chamber notes that this case is substantially the same as case no. CH/99/1963 which was examined by the Chamber in its decision of 9 September 1999. The applicant has not demonstrated that any new facts have occurred that might affect the opinion of the Chamber expressed in that decision.
10. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(b) of

the Agreement, as it is substantially the same as a matter which has already been examined by the Chamber.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Rona AYBAY
Acting President of the First Panel