



DECISION ON ADMISSIBILITY

Case no. CH/99/2437

Stana JARIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 February 2000 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. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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

I. FACTS

1. The applicant in this case is the same as in case no. CH/99/1986 *Jarić*. The present case concerns substantially the same facts as the previous one, which was declared inadmissible on 5 November 1999.

2. The applicant, a citizen of Bosnia and Herzegovina, moved into a house located in Solunska street 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 the decision and ordered the applicant to vacate the house within ninety days. The reason given for the latter 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.

3. In November 1999 the applicant received a conclusion issued by the Ministry for Refugees and Displaced Persons in Banja Luka, scheduling her eviction for 18 November 1999. She has not informed the Chamber whether the eviction occurred on this date or whether she still occupies the house.

II. COMPLAINTS

4. The applicant complains of violations of her rights as protected by Articles 8 and 13 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 17 November 1999 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.

6. On 18 November 1999 the Vice-President of the First Panel refused the request for a provisional measure. On 6 December 1999 the case was transferred to the Second Panel.

IV. OPINION OF THE CHAMBER

7. 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.

8. The Chamber notes that this case is substantially the same as the case no. CH/99/1986, which was declared inadmissible on 5 November 1999. The applicant has not demonstrated that any new facts have occurred that might affect the opinion of the Chamber in that decision.

9. 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

10. 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