



DECISION ON ADMISSIBILITY

Case no. CH/99/3069

Dobro MILIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 March 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 Rule 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The applicant, a citizen of Bosnia and Herzegovina, is a temporary user of a private house located in Mokro, municipality Pale, Republika Srpska.
2. The pre-war owner of the house, J.N., submitted a claim to the Municipal Court in Sokolac, Republika Srpska, asking for repossession of his property. On 10 June 1999 the Municipal Court issued a judgment in favour of J.N. and ordered the applicant to vacate the house in Mokro. The Municipal Court judgment was confirmed upon appeal by a judgment of the District Court in Srpsko Sarajevo, issued on 20 August 1999. On 4 October 1999, upon the request of J.N., the Municipal Court issued a procedural decision on enforcement of its judgment of 10 June 1999. The applicant has not stated when the eviction will take place.
3. The applicant states that he is the owner of a house located in Alipašina St. No. 115 in Sarajevo. He left the house during the war due to the hostilities. On 4 February 1999 he submitted an application to the Commission for Real Property Claims of Refugees and Displaced Persons ("Annex 7 Commission"). He has not yet received an answer from that Commission. The applicant states that he has unsuccessfully applied to numerous international institutions, seeking reinstatement into his house in Sarajevo, including the Office of the High Representative, the Federal Ombudsmen Office and other organisations.
4. It should be noted that the applicant had previously submitted an application to the Chamber concerning only his house in Sarajevo. This application, directed against the Federation of Bosnia and Herzegovina, was received and registered on 31 May 1999 under case no. CH/99/2241. On 1 November 1999 the Chamber decided to transmit the case to the respondent Party for its observations on admissibility and merits. It is still under consideration.

II. COMPLAINTS

5. Regarding his eviction from the house in Mokro, the applicant alleges a violation of his rights to respect for his home and his property rights.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The present application was introduced on 27 October 1999 and registered the following day. The applicant requested the Chamber, as a provisional measure, to suspend his eviction from the house he is currently occupying in Mokro. On 1 November 1999 the Chamber refused this request.

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)(c), the Chamber shall dismiss any application which it considers manifestly ill-founded.
8. The Chamber notes that the applicant was ordered to vacate the house in Mokro in favour of the pre-war owner. Thus, the applicant has no right to continue occupying the house. In these circumstances, the Chamber finds that the decision on enforcement of 4 October 1999 of the Municipal Court in Sokolac had justifiable reasons as it was issued in accordance with the law. Further, it was necessary in a democratic society for the protection of the rights and freedoms of others under Article 8 paragraph 2 of the Convention. Consequently, there is no evidence of a violation of the applicant's rights.
9. 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

10. 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