



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/1152

“M.V.”

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 February 1999 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Vlatko MARKOTIĆ
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK

Mr. Leif BERG, 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 the owner of real property (consisting of land and a house) situated in Sanski Most, Federation of Bosnia and Herzegovina. In October 1995, he was forced to leave as Sanski Most fell under the control of the Federation of Bosnia and Herzegovina. The house on the applicant's land, which had been built in 1983, was occupied by refugees or displaced persons until 1996. The applicant states that the house was destroyed between 1996 and 1998. He does not claim or provide any evidence that any damage caused to his property was caused either directly or indirectly by persons or authorities for whose actions the respondent Party could be held responsible.

II. COMPLAINT

2. The applicant claims that the Federation, by failing to protect his property, has violated its obligations under national law. He requests that the Federation be ordered to pay him the sum of KM 350,000 as compensation for damage.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 14 September 1998 and registered on the same day. The applicant requested that his identity not be disclosed.

IV. OPINION OF THE CHAMBER

4. Before considering the merits of the case the Chamber must decide whether to accept the case, 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 applicant has not provided any evidence to the Chamber which shows that the respondent Party, or any person or authority whose actions it is responsible for, are in any way responsible for the damage that he alleges occurred to his house. In the absence of any such evidence, the Chamber considers that the respondent Party cannot be considered to be responsible for any such damage.

6. 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

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel