



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/1239

Milorad DRAGIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 July 1999 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

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 a Bosnian Serb displaced person, currently residing in Banja Luka, Republika Srpska. He is the owner of property situated in (Bosanski) Petrovac Municipality, Federation of Bosnia and Herzegovina. In 1995, he was forced to leave (Bosanski) Petrovac as it fell under the control of the Federation of Bosnia and Herzegovina. On 17 August 1998, the applicant visited the property and saw that the house on the property had been destroyed. He does not claim or provide any evidence that any damage caused to his property was caused either directly by persons or authorities for whose actions any of the respondent Parties could be held responsible for. Neither does he state when the damage to the property occurred.

II. COMPLAINT

2. The applicant claims that the authorities in the Federation of Bosnia and Herzegovina did not protect his property solely because he is of Serb origin.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 20 October 1998 and registered on the same day.

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.

5. According to Article VIII(2)(c) of the Agreement, the Chamber shall dismiss any application which it considers, *inter alia*, manifestly ill-founded or outside the Chamber's competence *ratione temporis*.

6. In the present case the Chamber need not determine whether the impugned act occurred or continued after the 14 December 1995, the date of entry into force of the Agreement. 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, is 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. In relation to his claim that the respondent Party, due to his national origin, did not protect his property from destruction, and assuming that under the Agreement such an obligation could be imposed on the respondent Party after 14 December 1995, the applicant has provided no evidence to support this allegation.

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)
Leif BERG
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel