



DECISION ON ADMISSIBILITY

Case no. CH/99/3030

Zvonko ĐAKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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

I. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina and a resident of Tuzla. He is currently in disagreement with the electricity company in Bosnia and Herzegovina, "Elektroprivreda BH, Elektro distribucija Tuzla" over his electricity bill payments. From 1996 to 1998 the applicant regularly paid his bill. The company, however, took those payments as compensation for electricity consumed during the war in Bosnia and Herzegovina for which the applicant had not paid.

2. On 16 July 1998 the company requested the Municipal Court in Tuzla to order the applicant to pay his outstanding debt. On 28 September 1998 the court decided in the company's favour and ordered that the payments be made. The applicant submitted an objection to this decision, which the court accepted, but it does not appear that a further decision has been taken in this matter.

3. During 1999 the company turned off the applicant's electricity on three different occasions because of his failure to pay. After the first occasion, the applicant entered into a contract with the company to pay the money he owed in instalments. Shortly thereafter, the applicant completed another similar contract with the company. In both cases, the parties agreed that electricity would be cut off if the applicant failed to make his payments.

II. COMPLAINTS

4. The applicant complains that his debt from the war should be canceled. He also complains that he has been humiliated by the requests for debt payments and having his power turned off.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was received and registered with the Chamber on 10 October 1999. The applicant requested the Chamber to issue a provisional order to ensure that his electricity would not be turned off again. The Chamber refused his request on 1 November 1999.

IV. OPINION OF THE CHAMBER

6. 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 incompatible with the agreement.

7. The Chamber is competent to examine allegations of violations of human rights protected by the Agreement. However, the applicant's complaints do not reveal any appearance of a violation of these rights. Rather, they concern matters outside the Chamber's competence.

8. Accordingly, the Chamber decides not to accept the application as it is incompatible *ratione materiae* with the Agreement within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

9. 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