

# **DECISION ON ADMISSIBILITY**

Case no. CH/99/2772

## **Edhem VILIĆ**

## against

## THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 November 2000 with the following members present:

Mr. Giovanni GRASSO, President

Mr. Viktor MASENKO-MAVI, Vice President

Mr. Jakob MÖLLER

Mr. Mehmed DEKOVIĆ

Mr. Vitomir POPOVIĆ

Mr. Mato TADIĆ

Mr. Peter KEMPEES, 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:

CH/98/1054

### INTRODUCTION

- 1. The application was introduced on 16 August 1999 and registered on 20 August 1999.
- 2. The applicant complains that his house in Osenik (Municipality of Hadžići, Federation of Bosnia and Herzegovina) was devastated at the beginning of the war and has never been repaired. He asks the Chamber to order the Municipality of Hadžići to repair his house or to give him a donation of KM 5000.

## **OPINION OF THE CHAMBER**

- 3. The Chamber notes that the devastation complained of occurred before 14 December 1995 which is the date when the General Framework Agreement came into force. The Chamber is competent only to consider alleged violations which took place on or after that date. It follows that the application is incompatible *ratione temporis* with the provisions of the Agreement and must be rejected.
- 4. Moreover, the Chamber notes that the applicant does not complain that there has been an interference with any of the rights which are included among the rights and freedoms guaranteed under the Agreement. He only asks the Chamber to order the Municipality of Hadžići to repair his house or to give him the above donation. These, however, are not matters which are within the scope of the Chamber's jurisdiction *per se*. It follows that the application is also incompatible *ratione materiae* with the provisions of the Agreement, within the meaning of Article VIII (2) (c), and must be rejected.

### CONCLUSION

5. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.** 

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel