



DECISION ON ADMISSIBILITY

CASE No. CH/00/5301

Alija SALKIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 2001 with the following members present:

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

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 Articles VIII(2)(a) and VIII(2)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 3 July 2000.
2. The applicant complains, firstly, of a number of different decisions issued by different courts in the seventies and the eighties regarding the applicant's property dispute with his neighbour; secondly, of a court decision issued by the Court of First Instance in Cazin on 13 June 1995 regarding the applicant's compensation claim against the Municipality Cazin because of a mistake in the marriage registry; thirdly, of a decision issued by the Court of First Instance in Cazin on 16 November 1999 regarding the applicant's compensation claim against his then lawyer, Mr. Š.H; and finally, that Ms. R.B. has allegedly built her house on the applicant's land. On 9 April 1999 the applicant initiated the proceedings before the Court of First Instance in Cazin against Ms. R.B. It seems that the case is still pending.

II. OPINION OF THE CHAMBER

3. As to the applicant's first complaint, the Chamber finds that the facts complained of relate to a period prior to 14 December 1995, which is the date on which the Agreement came into force. However, the Agreement only governs facts subsequent to its entry into force. It follows that this complaint is incompatible *ratione temporis* with the provisions of the Agreement and must be rejected.
4. As to the applicant's second complaint, the Chamber finds that the final decision within the meaning of Article VIII(2)(a) of the Agreement was given by the Court of Second Instance in Bihać on 24 October 1996 and thus more than six months before the date on which the application was filed. It follows that this complaint has been submitted too late and must be rejected.
5. As to the applicant's third complaint, in the light of all the materials in its possession the Chamber finds that they do not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that this complaint is manifestly ill-founded and must be rejected, in accordance with Article VIII(2)(c) of the Agreement.
6. As to the applicant's fourth complaint, the Chamber finds that the applicant's complaint is premature as the proceedings are still pending before the Court of First Instance in Cazin. The domestic remedies have therefore not been exhausted as required by Article VIII(2)(a) of the Agreement. It follows that the application must be rejected.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel