



## **DECISION ON ADMISSIBILITY**

**Case no. CH/99/1560**

**Eva LESKO**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 October 2001 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Manfred NOWAK  
Mr. Vitomir POPOVIĆ  
Mr. Mato TADIĆ

Mr. Ulrich GARMS, 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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

## **I. FACTS**

1. The application was introduced on 8 February 1999 and registered on 11 February 1999 in the name of Ms. Eva Lesko and her husband Mr. Ivan Lesko. Mr. Ivan Lesko died in April 2000. The applicant Ms. Eva Lesko informed the Chamber that she wished to pursue the claim in her name.

2. In early 1994, one R.B. and his family moved into the ground and first floors of the applicant's privately owned house in the Municipality of Ilidža. Initially, the applicant and her late husband shared the house with R.B. until, in July 1994, they left Ilidža due to the hostilities. The applicant claims that the temporary occupant, R.B, looted the house when he left for the Republika Srpska in December 1995.

3. The applicant and her late husband applied to the domestic police and the International Police Task Force (IPTF) to regain possession of their looted property. In the course of the investigations, the applicant's late husband and members of the IPTF and the domestic police visited the new dwelling of the earlier temporary occupant. There they were allegedly faced with aggressive resistance. The investigation of the domestic police and the IPTF did not lead to any successful outcome for the applicant. The applicant and her late husband, however, did not pursue their case by addressing the public prosecutor or the domestic courts.

4. The applicant addressed the Ombudsmen of the Federation of Bosnia and Herzegovina. She was invited to the Ombudsmen's Office on 2 December 1997 and on 30 June 1998, where she was advised to submit a request for the protection of her rights before a competent court. On 9 October 2000, the Federation Ombudsmen archived the applicant's case on the grounds of her failure to have recourse to domestic remedies.

5. The applicant explains that she was not aware of any human rights institution operating in Bosnia and Herzegovina already in 1996.

## **II. OPINION OF THE CHAMBER**

6. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept .... In so doing, the Chamber shall take into account the following criteria: (a) ... that the application has been filed with the Commission within six months from such date on which the final decision was taken."

7. The Chamber notes that the applicant has not commenced any proceedings that could have led to a final decision within the meaning of Article VIII(2)(a) of the Agreement. Hence, the six months time limit, set out in Article VIII(2)(a), started to run from the date of the looting of the applicant's house. The Chamber is aware, that in the first months of the Chamber's existence, the applicant may not have had the possibility to know about it. However, when the applicant applied to the Chamber in February 1999 the Chamber had already been functioning for more than three years. Therefore, the fact that the applicant applied to the Chamber only then can no longer be considered justified ignorance about the possibility to submit an earlier application to the Chamber. Accordingly, the application does not meet with the requirement of Article VIII(2)(a) of the Agreement. The Chamber, therefore, decides to declare the case inadmissible.

## **III. CONCLUSION**

8. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Viktor MASENKO-MAVI  
Acting President of the Second Panel