



DECISION ON ADMISSIBILITY

Case no. CH/02/11932

SUBNOR¹

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

¹ Union of Associated Fighters in the National Liberation and Anti-Fascist War of Bosnia and Herzegovina.

I. INTRODUCTION

1. The applicant seeks to block the entry into force of a contract for the sale of an apartment it owns. In this regard, the applicant challenges a valid judgement of the Cantonal Court in Sarajevo dated 18 April 2002 and claims violations of Articles 9 and 10 of the Law on Sale of Apartments with Occupancy Right. By its judgement, the Cantonal Court reversed the first instance judgement of the Municipal Court I in Sarajevo, dated 21 November 2001, which had prohibited the completion of the apartment purchase contract between the applicants and the prospective buyers, Leo and Zlatko Muhić. The applicant asks the Chamber to issue a provisional measure and a decision ordering the Cantonal Court in Sarajevo to vacate the aforementioned judgement and uphold the first instance judgement of the Municipal Court I in Sarajevo.

2. The application was introduced on 24 July 2002 and registered the same day. The applicant's request for provisional measure was rejected on 4 September 2002.

II. OPINION OF THE CHAMBER

3. 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: ... (c) the Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition.

4. The Chamber notes that the applicant alleges violations based purely on domestic law. These complaints do not implicate any of the rights and freedoms guaranteed under the Agreement, but concern a purely private dispute involving the interpretation and application of domestic law by domestic courts. Further, there are no allegations that the relevant court proceedings have been unfair. It follows that the application is incompatible *ratione materiae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

5. 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