



DECISION ON ADMISSIBILITY

Case no. CH/02/10696

Hasan TOKMANOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 January 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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:

I. FACTS

1. On 28 September 2000 the Swedish Rescue Services Agency, as a donor, concluded a contract on donation with the applicant regarding reconstruction of his house in Kotorsko, the Republika Srpska.
2. The applicant claims that the “board for return” did not place his name on the “donations list”. Therefore, he had to pay more money for the electrical connection to his reconstructed house than other people whose names were placed on the mentioned list.

II. COMPLAINTS

3. The applicant alleges that he has been discriminated against based on his subordinate position to the persons whose names were placed on the “donations list”.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 8 August 2002 and registered on 2 September 2002.

IV. OPINION OF THE CHAMBER

5. 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.”

6. The applicant directs his application against the Republika Srpska as the respondent Party. However, the Chamber notes that neither has the applicant provided any indication that the Republika Srpska is in any way responsible for the actions he complains of, nor can the Chamber on its own motion find any such evidence. It follows that the application is incompatible *ratione personae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible.

7. To the extent that the “board for return” could be considered capable of engaging the responsibility of the respondent Party, the Chamber notes that the subject matter of the applicant's complaint is that he has not received certain benefits due to him under his contract on donation. However, this is not a right which is included among the rights and freedoms guaranteed under the Agreement. 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 for this reason as well.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel