



DECISION ON ADMISSIBILITY

CASE No. CH/00/3875

Vaskirje TEODOSIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 September 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. 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:

I. INTRODUCTION

1. The applicant alleges that in 1963 he purchased and began to occupy land that contained his home near a bridge over the Sava River, and that he left the land and the home during the hostilities, during which time the buildings on the land were destroyed.
2. By decision of 7 November 1996 the Municipality Bosanski Brod/Srpski Brod issued a decision establishing certain areas, including the applicant's land, to be "reserved areas." This decision prohibited construction or re-construction on the land, which is at the now-border crossing with Croatia.
3. The applicant submitted to the Secretariat for Town Planning, Urbanism and Housing-Communal Affairs a request for review of that decision and requested compensation for his inability to re-build his home on the land. By decision dated 16 October 1998 both requests were denied. The applicant's appeal of this decision to the Ministry for Urbanism, Housing-Communal Affairs, Construction and Ecology was denied by decision dated 16 June 1999.
4. The applicant requests, as provisional measures, that the Chamber order that: 1) the respondent Party be forbidden from damaging the land or cutting down trees; and 2) he "be permitted to enter, maintain and enjoy in his possession" the land. The Chamber refused this request on 6 September 2001.

II. COMPLAINTS

5. The applicant alleges a violation of Articles 6 and 8, and Article 1 of Protocol 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The application was introduced on 14 June 2000 and registered on the same day.

IV. OPINION OF THE CHAMBER

7. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(a), the Chamber shall dismiss any application which has not been filed within six months from the date of the final decision taken in the applicant's case.
8. The Chamber notes that the applicant introduced his application more than 11 months after the decision of the Ministry of 16 June 1999, thus exceeding the time limit prescribed in Article VIII(2)(a) of the Agreement.
9. Accordingly the Chamber decides not to accept the application pursuant to Article VIII(2)(a) of the Agreement, as it was not introduced within six months from the date of the final domestic decision.

V. CONCLUSION

10. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE

Ulrich GARMS
Registrar of the Chamber

Michèle PICARD
President of the First Panel