



## **DECISION ON ADMISSIBILITY**

**CASE No. CH/00/5499**

**Osman BUKVIĆ**

**against**

### **THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 November 2000 with the following members present:

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

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 Article 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 2 August 2000. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to prevent the privatisation process of two factories in Tešanj. On 7 November the Chamber decided not to order the provisional measure requested.

2. The applicant requests the Chamber to allow him to participate in the privatisation process of two factories in Tešanj which were built on his land. That land was nationalised between 1946 and 1960. He also complains that he was prevented from inheriting the land.

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

3. In so far as the applicant complains that he is prevented from inheriting the land in question, the Chamber finds that the facts complained of arise from the nationalisation of the land 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 part of the application is incompatible *ratione temporis* with the provisions of the Agreement and must be rejected.

4. In so far as the applicant complains that he is denied the right to take part in the process of privatisation of the land and the factories located thereon, the Chamber finds that, under the legislation currently in force, he has no recognised right to do so. Furthermore, no such right is guaranteed by the Agreement. It follows that this part of the application is incompatible *ratione materiae* with the provisions of the Agreement within the meaning of Article VIII (2)(c), and must be rejected.

## **III. CONCLUSION**

5. 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