



DECISION ON ADMISSIBILITY

Case no. CH/00/6206

Nedeljko STANKOVIĆ

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 December 2000 with the following members present:

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

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 26 October 2000. The applicant requested the Chamber to order the respondent party, as a provisional measure, to take all necessary action to prevent his eviction. On 30 October 2000 the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a decision of the Court of First Instance in Banja Luka ordering his eviction from an apartment and entitling the pre-war occupant to regain possession of the apartment. Further, he complains about the fact that he was not granted money for reconstruction of his house and restaurant in Bosanski Petrovac, the Federation of Bosnia and Herzegovina, which were destroyed during the war.

II. OPINION OF THE CHAMBER

3. As regards the complaint against the Republika Srpska the Chamber notes that the applicant was ordered to vacate the apartment pursuant to a lawful decision terminating a right of temporary use. In the light of all the material in its possession, the Chamber finds that the facts complained of in respect of the Republika Srpska do not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that this part of the application must be rejected as manifestly ill-founded, in accordance with Article VIII(2)(c) of the Agreement.

4. As regards the complaint against the Federation of Bosnia and Herzegovina, the Chamber notes that the applicant complains that there has been an interference with his presumed right to be granted money for reconstruction of his house and restaurant which were destroyed during the war. However, such a presumed right is not a right which is included among the rights and freedoms guaranteed under 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)
Giovanni GRASSO
President of the Second Panel