



DECISION ON ADMISSIBILITY

Case no. CH/01/8436

Ivanka VULETA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 2 July 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER, Vice-President
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Manfred NOWAK
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. INTRODUCTION

1. The application was introduced on 13 November 2001. The applicant is the owner of a house situated in Šušanj Village, Zenica Municipality, Federation of Bosnia and Herzegovina. In 1993 R.M., with the permission of the Municipality, entered into possession of the applicant's house and occupied it until 10 August 2000, when he vacated it. The house was left devastated, as recorded in a report made by the Municipality on the condition in which the house was left.

2. The applicant complains that the Zenica Municipality is unwilling to repair her house. She claims that the Municipality should be responsible for the damage caused by the persons who occupied her house based on its permission. She has not initiated any proceedings before the domestic authorities.

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. Regarding the applicant's complaints about the damage to her pre-war house, the Chamber notes that the applicant has not shown that this alleged damage was directly caused by the respondent Party or any person acting on its behalf. To the contrary, it appears that the damage to the property has been caused by the temporary occupant of the house. Therefore, the Chamber finds that the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the application is manifestly ill-founded, within the meaning of Article VIII(c) of the Agreement. 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)
Mato TADIĆ
President of the Second Panel