



DECISION ON ADMISSIBILITY

Case no. CH/02/11299

Fehim SELMANOVIĆ

against

THE REPUBLIKA SRPSKA

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

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

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 15 July 2002 and registered the same day.
2. In 1992 the applicant left his house in the village of Novoseoci due to the hostilities. In 1997 he visited the house and allegedly it seemed intact. In 1998 the applicant returned for a second visit. He claims that in the meantime the house was looted and the doors, windows, the roof and other fixtures were taken away. To substantiate this claim he applicant submitted a photograph of the house, allegedly taken at the time of his second visit. It shows that only walls of the house remained.
3. The applicant states that he is retired and unable to fund the construction of the house again, which is why he seeks assistance from the Chamber. He alleges a violation of his right to peaceful enjoyment of possession because without the necessary means to rebuild the house he is unable to return. The applicant does not explain why this falls within the responsibility of the respondent Party.

II. OPINION OF THE CHAMBER

4. 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.”
5. The applicant complains that he is unable to return to his pre-war house because he has not the necessary financial means to repair the house, which allegedly has been looted and destroyed sometime after 1997. He concludes that this situation constitutes a violation of his right to peaceful enjoyment of possessions. The Chamber notes that the applicant does not allege any violation of his rights and freedoms guaranteed under the Agreement which falls within the responsibility of the respondent Party. Moreover, it appears that the applicant’s objective in his case before the Chamber is to seek financial aid to rebuild his house. 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.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel