



DECISION ON ADMISSIBILITY

Case no. CH/99/2335

Dragojlo KOPANJA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 May 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. Anders MÅNSSON, 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. FACTS

1. The applicant is the owner of real property (consisting of land and a house) situated in Glamoč Municipality. In the autumn of 1995, he was forced to leave the area as it fell under the control of the Federation of Bosnia and Herzegovina. The house on the applicant's land was destroyed in the course of the war, i.e. in late 1995. The applicant claims that the house was destroyed by armed forces of the Federation.

II. COMPLAINT

2. The applicant claims that his rights as protected by Articles 8 and 13 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention have been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 24 August 1999 and registered on the same day.

IV. OPINION OF THE CHAMBER

4. Before considering the merits of the case the Chamber must decide whether to accept the case, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss, *inter alia*, any application which it considers incompatible with the Agreement.

5. The applicant claims that the Federation is responsible for the damage caused to his house. However, he has not supplied any evidence to support this claim. In any event, even if this assertion were to be true, the complaint would be outside the competence of the Chamber *ratione temporis*, as the destruction of the applicant's property occurred prior to the entry into force of the Agreement on 14 December 1995.

6. Accordingly, the Chamber decides not to accept the application, it being incompatible *ratione temporis* with the Agreement within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel