



DECISION ON ADMISSIBILITY

Case no. CH/00/6229

Zorka LAZIĆ and Vuka OSTOJIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 March 2001 with the following members present:

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

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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 8 November 2000 and registered on the same day.
2. The applicants are citizens of Bosnia and Herzegovina of Serb origin. They are owners of a forest located in Skipovac Donji in Federation of Bosnia and Herzegovina, which has been systematically cut, without their permission, by a company JP "Šuma"TK ("the Company") from Gračanica in Federation of Bosnia and Herzegovina. At the request of the applicants, the Department for Forestry of the Municipality Gračanica, issued a finding, dated 6 October 2000, estimating the damage caused to the applicants by the Company. The applicants claim that they have been looking for help from the Municipal organs in order to obtain compensation but they have never initiated any administrative or judicial proceedings.
3. The applicants allege in general that their rights under the Agreement have been violated. The applicants particularly claim to be discriminated against on the ground of their origin.

II. OPINION OF THE CHAMBER

4. The Chamber finds that the applicants' complaints do not concern an interference with their rights under the Agreement by the authorities of Bosnia and Herzegovina. It follows that, in so far as it is directed against Bosnia and Herzegovina, the application is incompatible *ratione personae* with the provisions of the Agreement.
5. In so far as the application is directed against the Federation of Bosnia and Herzegovina, the Chamber finds that the applicants failed to initiate any administrative or judicial proceedings. The applicants have not shown that the available remedies were ineffective and they do not appear so to the Chamber. The Chamber finds that the applicants have therefore not, as required by Article VIII(2)(a) of the Agreement, exhausted the effective remedies.
6. It follows that the application must be rejected.

III. CONCLUSION

7. 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