



DECISION ON ADMISSIBILITY

Case no. CH/01/6911

Radomir VUČKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 3 April 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 26 February 2001. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent his possessions left in the apartment in Sarajevo, ul. Dobojska 43, from being sold and destroyed. On 3 April 2001 the First Panel decided not to order the provisional measure requested.

2. The applicant complains of a procedural decision of the Administration for Housing Affairs of the Municipality Novo Sarajevo rejecting his request for repossession of the apartment in question on 26 July 1999 and of a procedural decision of the Ministry of Housing Affairs of Sarajevo Canton rejecting the applicant's appeal against that decision on 31 May 2000 (delivered to the applicant on 22 January 2001). On 24 January 2001 the applicant initiated an administrative dispute complaint before the Sarajevo Cantonal Court against the second instance decision. There has been no decision upon that complaint as yet.

II. OPINION OF THE CHAMBER

3. The Chamber finds that the applicant's complaint is premature as the proceedings are still pending before the Sarajevo Cantonal Court. The domestic remedies have therefore not been exhausted as required by Article VIII(2)(a) of the Agreement. It follows that the application must be rejected.

III. CONCLUSION

4. 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