



DECISION ON ADMISSIBILITY

Case no. CH/00/5163

Izet GLAVINIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 November 2001 with the following members present:

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

Mr. Ulrich GARMS, 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 20 June 2000.
2. The applicant complains that, in a litigation over the construction of a family house and the purchase of forest, the Municipal Court in Živinice and the Cantonal Court in Tuzla based their decisions on wrongly established facts. The applicant further complains that the court decisions were not delivered to his relative Ćamila Glavinić in a procedurally correct way.
3. The judgement of first instance of the Municipal Court of Živinice was passed on 6 January 1997. Upon the appeal against this judgement, the Cantonal Court in Tuzla confirmed the first-instance judgement on 20 October 1997.
4. On 23 April 1998 the Supreme Court of the Federation of Bosnia and Herzegovina passed a decision refusing the revision of the main matter.
5. On 5 May 1999 the Municipal Court in Živinice by a procedural decision refused a proposal for renewal of the proceedings as out of time. On 4 April 2000 the Cantonal Court in Tuzla refused an appeal against the procedural decision of the Municipal Court in Živinice and confirmed the contested procedural decision.

II. OPINION OF THE CHAMBER

6. In accordance with Article VIII(2) of the Agreement, “the Chamber shall decide which applications to accept ... and shall take into account the following criteria: (a) ... that the application has been filed with the Commission within six months from such date on which the final decision was taken.”
7. The Chamber notes that the final decision for the purposes of Article VIII(2)(a) of the Agreement was either that issued by the Cantonal Court in Tuzla on 20 October 1997 or that issued by the Supreme Court of the Federation on 23 April 1998. Either date is more than six months before 20 June 2000, the date on which the application was filed with the Chamber. The Chamber notes that all later decisions by the courts, namely those upon the proposal for renewal of the court proceedings, regard extra-ordinary remedies and are thus irrelevant for the purposes of Article VIII(2)(a). In addition, the allegation that the decisions were not delivered to Ćamila Glavinić is irrelevant in regard to the applicant's case. The applicant does not allege that he himself was not correctly delivered the decisions in question. Accordingly, the application does not comply with the requirements of Article VIII(2)(a) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

8. 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