



DECISION ON ADMISSIBILITY

Case no. CH/02/9625

Dragica DOKIĆ VUKOJEVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
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) Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 21 March 2002. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to reinstate her into the apartment ul. Zadarska no. 4/10 in Jajce. On 4 September 2002, the Chamber decided not to order the provisional measure requested.

2. The applicant complains that she has not been reinstated into the apartment ul. Zadarska no. 4/10 in Jajce over which she allegedly had a pre-war occupancy right. The applicant submitted a complaint to an NGO in Belgrade to help her to be reinstated into the apartment. On 27 January 1998 the NGO informed the applicant that it would transfer the complaint to the Office of the Ombudsman for Bosnia and Herzegovina. On 14 July 2000 the applicant submitted an appeal against silence of administration to the Cantonal Ministry of Urbanism, Physical Planning and Environment in Travnik ("the Ministry"). However, the applicant never filed a request to the competent municipal housing body as organ of first instance, the Service for Housing and Utility Affairs in the Municipality Jajce. On 10 August 2000 the Ministry informed the Service for Housing and Utility, Affairs Municipality Jajce, about the applicant's appeal and asked it to undertake all necessary action to issue a first instance decision.

II. OPINION OF THE CHAMBER

3. 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: (a) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted"

4. The Chamber notes that the applicant failed to submit a request for repossession to the competent organ of first instance the Service for Housing and Utility Affairs in the Municipality Jajce in accordance with the Law on Cessation of Application of the Law on Abandoned Apartments. The applicant in her attempt to be reinstated into the apartment in Jajce also failed to address any court and did not go before the Commission for Real Property Claims of Displaced Persons and Refugees. The applicant has not shown that these remedies were ineffective and it does not appear so to the Chamber. Accordingly, the Chamber finds that the applicant has not, as required by Article VIII(2)(a) of the Agreement, exhausted the effective remedies. The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

5. 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