



DECISION ON ADMISSIBILITY

Case nos. CH/02/12216 and CH/02/12223

Mirko ČOLOVIĆ, Desimir PODINIĆ and 12 others

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 June 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, Deputy Registrar

Having considered the aforementioned applications 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 34 and 52 of the Chamber’s Rules of Procedure:

I. INTRODUCTION

1. The two applications were introduced on 5 September and on 9 September 2002 respectively. Attached to the application of Mr. Podinić there is a list with the signatures of 12 other persons joining his complaints. Considering the similarity between the facts of the cases and the complaints of the applicants, the Chamber decided to join the present applications in accordance with Rule 34 of the Chamber's Rules of Procedure on the same day it adopted the present decision.

2. The applicant Mr. Čolović is the director of a meat producing company. The other applicants are residents of the town of Sokolac. All of the applicants complain about annoyance emanating from a quarry situated in the immediate vicinity of the company and of the settlement. The applicants assert that "AD Romanija putevi", the company which runs the quarry, violates applicable norms and regulations by using heavy explosives and no dust filters. In addition, they claim that the works there are carried out without a concession from the competent Ministry. Thereby, the applicants' health and right to peacefully enjoy their lives are affected. The applicants request that the Chamber order the respondent Party to suspend that further works are carried out in the quarry.

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 applicants filed complaints with the director of "AD Romanija putevi" and with the competent Ministry of the respondent Party, but failed to initiate regular court proceedings on the domestic level. Accordingly, the Chamber finds that the applicants have 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,

JOINS THE APPLICATIONS and

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel