



## **DECISION ON ADMISSIBILITY**

**CASE No. CH/00/5737**

**Tufik HERCEGLIJA**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 October 2000 with the following members present:

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

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:

1. The application was introduced on 14 September 2000 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent the applicant's eviction. The Chamber rejected this request on 14 September 2000.
2. The applicant complains of his eviction from an apartment he occupies in Municipality Kakanj.

### **OPINION OF THE CHAMBER**

3. The Chamber has examined the application and finds that the applicant failed to appeal against the procedural decision issued on 24 July 2000 by the Department for General Administration and Housing Affairs of the Municipality Kakanj. The applicant has not shown that this remedy was ineffective and it does not appear so to the Chamber. The Chamber finds that the applicant has therefore not, as required by Article VIII(2)(a) of the Agreement, exhausted the effective remedies. It follows that the application must be rejected.

### **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