



DECISION ON ADMISSIBILITY

CASE No. CH/01/6672

Esad GARAČA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 2 April 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice-President
Mr. Rona AYBAY
Mr. Hasan BALIĆ
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 4 January 2001. The applicant requested that the Chamber order the respondent Party as, a provisional measure, to take all necessary action to reinstate him to his working position which he lost eight years ago. The Chamber rejected this request on 2 April 2001.

2. The applicant complains that the Municipal Court in Bugojno, gave an unlawful decision, in proceedings labour dispute, proceedings which he initiated.

II. OPINION OF THE CHAMBER

3. The Chamber finds that the applicant's complaints are premature as the proceedings are still pending before the Cantonal Court in Travnik. 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