



DECISION ON ADMISSIBILITY

Case no. CH/01/6674

Bajro BULIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 March 2001 with the following members present:

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

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 5 January 2001. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to permit him to enter into possession of his kiosk in Tuzla. On 6 March 2001 the Chamber decided not to order the provisional measure requested.

2. The applicant complains, in relevant part, of the failure by a company to meet its contractual obligations. In addition he alleges that a procedural decision on an administrative dispute issued by the Cantonal Court in Tuzla on 30 November 2000 is unclear and raises doubts as to the lawfulness of the proceedings.

II. OPINION OF THE CHAMBER

3. The Chamber finds that the applicant failed to initiate civil proceedings before the competent court of ordinary competence. The applicant has not shown that the available remedies were ineffective and they do 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 all effective remedies. 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)
Giovanni GRASSO
President of the Second Panel