



DECISION ON ADMISSIBILITY

CASE No. CH/01/6734

Vlado BANOVIĆ

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 June 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 12 January 2001. The applicant requested the Chamber to order the respondent Parties, as a provisional measure, to take all necessary action to suspend construction works on the location at. Ul. Ive Andrića b.b. (no street number) in Novi Travnik, on the land marked as cadastral lot 1141, Cadastral Municipality Novi Travnik. On 5 June 2001 the Chamber decided not to order the provisional measure requested.

2. The applicant complains, in relevant part, that the issuance of approval for construction of a business premises on the land in question marked as cadastral lot 1141 by the Municipal Board of Novi Travnik has violated his rights to work and to equality before the court and administrative bodies.

II. OPINION OF THE CHAMBER

3. The Chamber has examined the application and finds that the applicant's complaints are premature as the appeal proceedings are still pending before the Ministry of Urbanism, Physical Planning and Protection of Environment of the Central Bosnia Canton. The domestic remedies have therefore not been exhausted as required by Article VIII(2)(a) of the Agreement. It follows that the application may 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