



DECISION ON ADMISSIBILITY

Case no. CH/01/7141

Miroslav TRIVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 3 July 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice-President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 11 April 2001 and registered on the same day.
2. By a procedural decision of the Lukavac Municipality dated 14 September 1990 the applicant was allocated a plot of land situated in Lukavac in the Federation of Bosnia and Herzegovina. On 10 March 1995 the Municipal Council of Lukavac annulled the above-mentioned procedural decision due to the failure of the applicant to finish construction works on the land concerned within a prescribed time limit.
3. On 18 May 2000 the applicant initiated an administrative dispute before the Cantonal Court in Tuzla requesting invalidation of the procedural decision dated 10 March 1995. These proceedings are still pending.
4. On 13 June 2000 the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") issued decision no. 481-219-1/1 confirming that the applicant was the pre-war possessor of real estate concerned. On 20 September 2000 the applicant requested enforcement of the CRPC decision before the Secretariat for Urbanism, Housing-Communal Affairs, Municipality Lukavac. However, the applicant did not receive any reply.
5. The applicant alleges in general that his rights under the Agreement have been violated.

II. OPINION OF THE CHAMBER

6. The Chamber finds that the applicant's complaint is premature as the proceedings are still pending before the Cantonal Court in Tuzla. The domestic remedies have therefore not been exhausted as required by Article VIII(2)(a) of the Agreement.
7. It follows that the application must be rejected.

III. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Olga KAPIĆ
Deputy Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel