



DECISION ON ADMISSIBILITY

Case no. CH/01/7162

Branko SMILJANIĆ

against

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 24 April 2001 and registered on 9 May 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent the Municipality from transferring the land of which he was the pre-war owner to a third party. On 10 May 2001, the Chamber decided not to order the provisional measure requested.

2. The applicant complains of the said disposal of his property, which was officially registered by a procedural decision, dated 19 April 2000, issued by the Department for Spatial Planning, Cadastre and Legal-Property Affairs in Bihać.

II. OPINION OF THE CHAMBER

3. The Chamber finds that the applicant failed to initiate any administrative or judicial proceedings. 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 the effective remedies.

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