



## **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