



DECISION ON ADMISSIBILITY

CASE No. CH/01/7233

Slavko TODORVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 September 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. Ulrich GARMS, 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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The applicant alleges that he is the owner of land in Municipality Gračanica, which included a house, an orchard/forest and other buildings and land. The house and land were damaged, allegedly by the Forestry Public Company from Gračanica and private villagers.
2. The applicant has not commenced any domestic proceedings because he “does not trust” the courts of the Federation.
3. The applicant requests as provisional measures that the respondent Party be ordered to prevent any further destruction. The Chamber refused this request on 6 September 2001.

II. COMPLAINTS

4. The applicant alleges a violation of Articles 6 and 8, and Article 1 of Protocol 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

5. The application was introduced on 19 July 2001 and registered on the same day.

IV. OPINION OF THE CHAMBER

6. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(a), the Chamber must consider whether effective domestic remedies exist, and if so, whether the applicant has demonstrated that they have been exhausted.
7. The Chamber notes that the applicant admits that he has chosen not to commence domestic proceedings, stating that he does not trust the courts. However, no evidence has been provided to demonstrate that such remedies would not be effective.
8. Accordingly the Chamber decides not to accept the application pursuant to Article VIII(2)(a) of the Agreement, as the applicant has not demonstrated that effective domestic remedies have been exhausted.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE

Ulrich GARMS
Registrar of the Chamber

Michèle PICARD
President of the First Panel