



DECISION ON ADMISSIBILITY

Case no. CH/01/7234

B.V.

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, as the Second Panel on 10 November 2001 with the following members present:

Mr. Jakob MÖLLER, Acting President
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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)(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 20 July 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to suspend the construction works on the building in which she resides. On 18 September 2001, the President of the Second Panel decided not to order the provisional measure requested.

2. The applicant complains of decisions of the Department for Urban Planning for Banja Luka of 11 April 2001 and the Ministry for Urbanism and Town Planning of 29 May 2001, which permitted the construction of an additional floor on the building located at Ulica Vojvode Momčila 11-13 in which she resides, allegedly without allowing the tenants of the building to participate in the proceedings. The applicant alleges that the tenants have commenced various domestic proceedings, including: the filing of an unspecified complaint on 24 April 2001; a request for a review of the proceedings on 14 June 2001; a complaint to the Republic Administration for Geodesic, Property and Legal Affairs on 3 July 2001; and a lawsuit in the Supreme Court of the Republika Srpska on 2 July 2001. The applicant has not informed the Chamber that any of these bodies has as of yet issued a conclusion in response to the respective filings.

II. OPINION OF THE CHAMBER

3. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept ... and shall take into account the following criteria: (a) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted"

4. The Chamber finds that the applicant's complaints are premature as the proceedings are still pending before the various domestic authorities specified above. These proceedings were initiated by the applicant between April and July 2001 and cannot be said to have been unreasonably lengthy as of this date. Accordingly, the domestic remedies have not been exhausted as required by Article VIII(2)(a) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Jakob MÖLLER
Acting President of the Second Panel