



DECISION ON ADMISSIBILITY

Case no. CH/98/1388

Branislav VEZMAR

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 February 2000 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. Anders MÅNSSON, 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. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina and a displaced person. He claims that a family house is being erected without his permission on property he allegedly owns. On 2 November 1998 he requested the Ministry for Spatial Planning and Environment in Sanski Most to stop the building works. He did not receive any answer to his request. He has not taken any steps against the failure of this organ to take a decision.

II. COMPLAINTS

2. The applicant does not claim any particular violation of his rights as protected by the Agreement.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced and registered on 9 November 1999.

IV. OPINION OF THE CHAMBER

4. 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 shall take into account whether effective remedies exist, and whether the applicant has demonstrated that they have been exhausted.

5. The Chamber notes that the applicant complains of the failure of the relevant organ in Sanski Most to decide upon his request. However, the applicant has not shown that he has exhausted the domestic remedies available to him nor that they would be ineffective.

6. Accordingly, the Chamber decides not to accept the application, as the applicant has failed to exhaust domestic remedies in accordance with Article VIII(2)(a) of the Agreement.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel