



DECISION ON ADMISSIBILITY

Case no. CH/99/2857

Džemila ČELIKOVIĆ

against

**THE FEDERATION OF BOSNIA AND HERZEGOVINA
and
THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 November 1999 with the following members present:

Mr. Rona AYBAY, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

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 displaced person from Vlasenica. Her husband, who was killed on 11 July 1995, was the owner of real estate (house and land) in Nova Kasaba, Republika Srpska. She states that she neither initiated inheritance proceedings nor requested repossession of the estate from the authorities of the Republika Srpska.
2. On 4 October 1996 the applicant moved into an apartment with her four children at Grbavička St. no. 52 in Sarajevo. On 10 October 1996 the applicant requested the Novo Sarajevo Municipality for allocation of the apartment. The applicant has not received any decision in regard to this request.
3. On 21 April 1998 the applicant submitted a request to the Commission for Real Property Claims of Displaced Persons and Refugees for repossession of the property in the Republika Srpska. A decision on this request has not yet been made.
4. On 7 April 1999 the applicant was registered for voluntary return into the house in the Republika Srpska.
5. On 31 August 1999 the First Instance Court II in Sarajevo gave judgment in favour of the previous occupancy right holders of Grbavička St. no. 52, obligating the applicant to vacate the apartment. The applicant received the judgment on 4 September 1999 and appealed on 10 September 1999 to the Cantonal Court in Sarajevo. No decision has been made on the appeal.

II. COMPLAINT

6. The applicant alleges violations of her rights under Article 8 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

7. The application was submitted to the Chamber on 10 September 1999 and registered on 13 September 1999. The applicant included a request for provisional measures. The Chamber refused this request on 6 October 1999.

IV. OPINION OF THE CHAMBER

8. Before considering the merits of the case the Chamber must decide whether to accept the case, 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 remedies exist and whether the applicant has demonstrated that they have been exhausted.
9. The applicant filed an appeal on 10 September 1999. This appeal has not yet been decided. The applicant has made no assertions that this appeal will be ineffective.
10. 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 the effective domestic remedies have been exhausted.

V. CONCLUSION

11. For these reasons, the Chamber, unanimously,
DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Rona AYBAY
Acting President of the First Panel