



DECISION ON ADMISSIBILITY

CASE No. CH/99/3425

Derviš and Meliha HADŽIABDIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 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. 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)(c) 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 November 1999 and registered on the same day.
2. The applicants complain that the Municipal Court I Sarajevo is intentionally preventing the enforcement of an enforceable judgment in their favour delivered by the First Instance Court in Mostar on 12 July 1991. They rely on Article 6 of the European Convention on Human Rights.

II. OPINION OF THE CHAMBER

3. The Chamber finds that the applicants failed to exhaust domestic legal remedies available to them. The applicants provided no evidence that they submitted a request in proper form to the Municipal Court in Mostar to provide an authentic copy of the judgment with the Mostar court's stamp and the enforcement clause, which as a matter of Federation Law would have enabled the Municipal Court I in Sarajevo to issue a conclusion of enforcement of the judgment in their favour. The applicants have therefore not exhausted domestic remedies as required by Article VIII(2)(a) of the Agreement. It follows that the application must be rejected.

III. CONCLUSION

4. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel