



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/938

**CD COALITION DEPUTIES
("KLUB ODBORNIKA KOALICIJE CD u SO-e PRNJAOR")**

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 March 1999 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Vlatko MARKOTIĆ
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ

Mr. Leif BERG, 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. FACTS

1. The applicants are elected deputies of the Municipal Assembly of Prnjavor, who all belong to the party “Koalicije za Cjelovitu i Demokratsku Bosnu I Hercegovinu” (“Coalition for a United and Democratic Bosnia and Herzegovina”).
2. The application relates to the expropriation of certain privately-owned land for public use by the Municipal Assembly of Prnjavor (“the Assembly”).
3. On 16 July 1998 the Assembly issued a decision (Reference No. 01-013-123/98), under which certain privately-owned land was designated for public use. This decision overruled previous decisions governing the same issue.
4. The applicants requested the Assembly to issue a conclusion, by which all the proceedings started before the Municipal Court for alienating the land concerned from the owners be suspended until they return to Prnjavor. The applicants requested this item to be added to the Assembly agenda for decision, but the request was refused by a majority of the Assembly.
5. On 19 August 1998 the applicants requested the Mayor of Prnjavor to put a proposal for the amendment of the decision of 16 July 1998 on the agenda of the Assembly. This has not happened to date.

II. COMPLAINTS

6. The applicants complain that the decision of the Assembly of 16 July 1998 constitutes a violation of Articles 13 to 15 inclusive of the Law on Town Building Land (OG SRBiH Nos. 34/86, 1/90 and 29/90 and SG RS No. 29/94).
7. The applicants also complain that the owners of the land in question have suffered a violation of their rights. Allegedly, these owners are primarily of non-Serb origin and the decision of the Assembly constitutes a violation of Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina.

III. PROCEEDINGS BEFORE THE CHAMBER

8. The application was introduced on 8 September 1998 and registered on the same day. The applicants are represented by Mr. Muharem Halilović, a lawyer practising in Bosanski Petrovac.
9. The applicants requested that the Chamber order a provisional measure invalidating part of the decision of the Assembly of 16 July 1998, ordering the Municipal Court in Prnjavor not to execute the decision concerned and to order the Assembly to amend the decision.
10. On 9 February 1999, the second Panel refused the request for a provisional measure.

IV. OPINION OF THE CHAMBER

11. Before considering the merits of the case the Chamber must decide whether to accept the case, taking into account its jurisdiction, as set out in Article VIII of the Agreement. Article VIII(1) of the Agreement states as follows:

“The Chamber shall receive by referral from the (Ombudsperson) on behalf of an applicant, or directly from any Party or person, non-governmental organisation, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, for resolution or decision applications concerning alleged or apparent violations of human rights within the scope of paragraph 2 of Article II.”

12. According to Article VIII(2)(c) of the Agreement, the Chamber shall dismiss any application which, *inter alia*, it considers incompatible with the Agreement. The Chamber does not have

jurisdiction to receive an application from a group of individuals such as those in the present case, who do not claim that they themselves are the victims of an alleged or apparent violation of their human rights within the scope of paragraph 2 of Article II of the Agreement and who have not provided the Chamber with any letter of authority whereby any of the purported victims has authorised the present applicants to act in his or her place before the Chamber. Finally, it has not been alleged that the purported victims of such a violation are deceased or missing.

13. Accordingly, the Chamber decides not to accept the application, it being incompatible *ratione personae* with the Agreement, within the meaning of VIII(2)(c) thereof.

V. CONCLUSION

14. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel