DECISION ON ADMISSIBILITY

CASE No. CH/00/3692

Nusret, Mehmed, Atif PANDŽA

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel, on 10 November 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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)(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 25 February 2000 and registered on 15 March 2000. The applicants requested that the Chamber order a provisional measure to prevent all construction works which would start on 29 May 2000 on a site they were in possession of in Ulica Svetog Save in Prnjavor until the proceedings before the Chamber were finished. On 4 September 2000 the Chamber decided not to order the provisional measure requested.

2. The applicants complain about violations of their property rights in Prnjavor.

II. OPINION OF THE CHAMBER

3. The Chamber has examined the application and finds that the applicants' complaints are premature as proceedings initiated by them on 5 August 1999 concerning the same matter are pending before the Court of First Instance in Prnjavor. The domestic remedies have therefore not been exhausted 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)
Giovanni GRASSO
President of the Second Panel