



DECISION ON ADMISSIBILITY

Case no. CH/00/5802

Adem KARIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 December 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. 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) and (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 27 September 2000 and registered on 28 September 2000. The applicant requested that the Chamber order a provisional measure to prevent the company "IP AGRA" PLC Živinice from selling the real properties which the applicant sold to that company. On 10 November 2000 the Chamber decided not to order the provisional measure.

2. The applicant requested the Chamber to annul the sale contract which was concluded on 13 November 1997 between the applicant and the company "IP AGRA". On 7 October 1999 the applicant initiated court proceedings to the same end, which proceedings are still pending. He alleges that the court is partial and influenced by powerful people.

II. OPINION OF THE CHAMBER

3. The Chamber notes that domestic remedies have not been exhausted as requested by Article VIII(2)(a) of the Agreement. The Chamber finds that there is no evidence before it of any irregularities in the conduct of the court proceedings initiated by the applicant and that his claim in that respect is ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

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