



DECISION ON ADMISSIBILITY

Case no. CH/99/1860

“L.U.Z.”

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel, on 6 December 2001 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. Mato TADIĆ

Mr. Ulrich GARMS, 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 5 March 1999. This case concerns the attempts of the applicant to achieve peaceful enjoyment of the Hunting-ground Banja Luka which was allocated to it by the Ministry of Agriculture, Forestry and Water Supply Affairs on 31 October 1997, for managing and use for the period of 10 years.

2. The applicant complains of a division of the mentioned hunting ground, which allegedly occurred by virtue of an act of allocation of the military range undertaken by the Headquarter of the Army of the Republika Srpska in favour of the Hunting Association "Manjača", on 25 October 1998.

II. OPINION OF THE CHAMBER

3. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept In so doing, the Chamber shall take into account the following criteria: (a) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted"

4. The Chamber finds that the applicant failed to initiate any administrative or judicial proceedings. The applicant has not shown that the available remedies would have been ineffective, and they do not appear so to the Chamber. Accordingly, the Chamber finds that the applicant has not, as required by Article VIII(2)(a) of the Agreement, exhausted the effective remedies.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel