



DECISION ON ADMISSIBILITY

CASE No. CH/00/5795

Rešo HODŽIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 October 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Andrew GROTRIAN, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

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 26 September 2000 and registered on the same day. The applicant requested that the Chamber prevent the competent authorities from ordering the removal of underpinning walls built by the applicant on his property because he failed to secure an urban building licence in accordance with the law previous to building the wall. He requested the Chamber to issue an order for provisional measure in this regard. On 3 October 2000 the Chamber decided not to order the provisional measure requested.
2. The applicant alleges a breach of his right to “construction of a family residential building and auxiliary facilities to service regular use of the building, and the concrete underpinning wall that would prevent land-slide of the site and secure the stability of the existing residential building”. He also complains that the demolition is scheduled, although the procedure for issuance of the urban approval is pending.

II OPINION OF THE CHAMBER

3. The Chamber notes that the actions of the relevant authorities appear to have been in accordance with the rights of the applicant as guaranteed by Article 1 of Protocol No. 1 to the European Convention on Human Rights. Further, in the light of all the material in its possession, the Chamber finds that it does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the application must be rejected as manifestly ill-founded in accordance with 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)
Michèle PICARD
President of the First Panel