



DECISION ON ADMISSIBILITY

CASE No. CH/01/6656

Irfan DURMIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 March 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. 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)(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 22 December 2000. The applicant complains that he is being unlawfully prevented from converting an attic space in the building where he lives in Sarajevo into an apartment. He had started this construction, without a building license, when the competent authorities ordered him, under threat of execution, to restore the attic space to its original state.
2. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to refrain from all actions which would restore the attic space to its original state before the proceedings before the Chamber are concluded.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the applicant started to construct the apartment without having first secured the building licence. In light of all the material in its possession, the Chamber finds that the application 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, in accordance with Article VIII(2)(c) of the Agreement as manifestly ill-founded.

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