



DECISION ON ADMISSIBILITY

CASE No. CH/01/6784

Idriz ZULČIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 February 2001 with the following members present:

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

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 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 29 January 2001. The applicant requested the Chamber to order the respondent Party, as provisional measures, not to enforce a decision issued by the Service for Administrative Inspection in Urbanism and Building Issues in Novo Sarajevo on 17 April 2000 and not to evict his family from an apartment at Ulica Ive Andrića 8/10 in Sarajevo, which apartment they occupy as temporary users. On 9 February 2001 the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a decision of 17 April 2000 ordering the applicant to remove the remains of his house, built in 1988 without a building permit and destroyed during the hostilities. On 1 August 2000 the Ministry for Urban Planning and Communal Affairs of Canton Sarajevo upheld the decision of 17 April 2000. The applicant was entitled to initiate an administrative dispute, but has not done so. Further, the applicant complains of a decision of 12 December 2000 ordering the applicant to vacate the apartment he occupies as a temporary user.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the decision of 12 December 2000 was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no legal right to occupy the apartment. 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 is manifestly ill-founded and must be rejected, in accordance with Article VIII(2)(c) of the Agreement.

4. The Chamber further notes that the applicant failed to initiate an administrative dispute against the decision of 17 April 2000. The applicant has not shown that this remedy was ineffective and it does not appear so to the Chamber. The Chamber finds that the applicant has therefore not, as required by Article VIII(2)(a) of the Agreement, exhausted the effective remedies. It follows that the application must be rejected.

III. CONCLUSION

5. 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