



DECISION ON ADMISSIBILITY

CASE No. CH/01/6785

Faik 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) 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 a provisional measure, not to enforce a decision issued by the Service for Administrative Inspection in Urbanism and Building Issues in Novo Sarajevo on 6 June 2000. On 9 February 2001 the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a decision of 6 June 2000 ordering the applicant to remove the remains of his house, built in 1979, without a building permit, and destroyed during the hostilities. On 9 January 2001 the Ministry for Urban Planning and Communal Affairs of Canton Sarajevo upheld the decision of 6 June 2000. The applicant is still entitled to initiate an administrative dispute. The applicant alleges that he cannot do so because of financial problems. However, the applicant is entitled to apply for an exemption from the court fee.

II. OPINION OF THE CHAMBER

3. The Chamber finds that the applicant failed to initiate an administrative dispute. 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

4. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel