



## **DECISION ON ADMISSIBILITY**

**Case no. CH/99/1908**

**Dobroslav MARIĆ**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 September 1999 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. Anders MÅNSSON, 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. FACTS**

1. The applicant is a citizen of Bosnia and Herzegovina. He is a displaced person from Jajce, the Federation of Bosnia and Herzegovina, currently residing in Banja Luka, Republika Srpska.
2. In 1996 the applicant illegally moved into an apartment located at Ravnogorska Street No. 21, Banja Luka. He has requested the Ministry for Refugees and Displaced Persons (the "Ministry") to officially allocate the apartment to him, but the Ministry has never done so.
3. In the course of 1996 the holder of the allocation right, the "SUBNOR" Banja Luka, requested the applicant's eviction from the apartment. On 20 February 1996 the Municipal Secretariat for Housing-Communal Affairs ("the Secretariat") issued a decision ordering the applicant to vacate the apartment. On 12 October 1998 the Secretariat issued a conclusion ordering the applicant's eviction. On 9 February 1999 the Ministry for Urbanism, Housing-Communal Affairs, Civil Engineering and Ecology refused the applicant's appeal against the conclusion.
4. On 30 March 1999 the applicant initiated an administrative dispute before the Supreme Court of the Republika Srpska. There have been no developments in these proceedings to date.
5. On 19 April 1999 the Secretariat issued another conclusion ordering the applicant's eviction.

## **II. COMPLAINTS**

6. The applicant alleges that his right to housing has been violated since the Ministry for Refugees and Displaced Persons was obliged to allocate him the apartment in question.
7. Subsequently the applicant requested the Chamber find him an alternative accommodation (see paragraph 9 below)

## **III. PROCEEDINGS BEFORE THE CHAMBER**

8. The application was introduced on 23 April 1999 and registered on the same day. The applicant requested that the Chamber order a provisional measure to take all necessary action to prevent his eviction.
9. On 7 May 1999 the applicant informed the Chamber that on 29 April 1999 he was evicted. Then he requested the Chamber to find him other accommodation.

## **IV. OPINION OF THE CHAMBER**

10. Before considering the merits of the case, the Chamber must decide whether to accept the case, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement.
11. The applicant complains that his right to housing has been violated. The right to housing is not contained in the European Convention on Human Rights but, *inter alia*, in Article 11 of the Covenant on Economic, Social and Cultural Rights. According to Article II(2)(b) of the Agreement, the Chamber is only competent to consider alleged or apparent discrimination arising in the enjoyment of any of the rights provided for in the other 15 international agreements listed in the Appendix. The applicant has not alleged discriminatory treatment or indicated any facts which would lead the Chamber to assume that there was any apparent discrimination. The Chamber is, therefore, incompetent *ratione materiae* to decide on this application.
12. Furthermore, the applicant's request that the Chamber find him alternative accommodation falls outside of its scope of competence and is therefore dismissed as incompatible with the

Agreement.

13. The Chamber notes that a request such as the one of the present applicant cannot be considered as an alleged or apparent violation of his human rights. The Chamber notes that such a right is not provided for in Article II(2)(a) of the Agreement.

14. Accordingly, the Chamber decides not to accept the application, it being incompatible *ratione materiae* with the Agreement within the meaning of Article VIII(2)(c) thereof.

## **V. CONCLUSION**

15. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Anders MÅNSSON  
Registrar of the Chamber

(signed)  
Giovanni GRASSO  
President of the Second Panel