



DECISION ON ADMISSIBILITY

CASE No. CH/01/6742

Zdenka JANJIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 March 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)(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 16 January 2001. The applicant requested the Chamber to order the respondent Party as a provisional measure to grant the applicant alternative accommodation. On 7 February 2001, the Chamber decided not to order the provisional measure requested.

2. In 1992, the applicant lived in common premises of a building at Ulica Željeznička 11 in Zenica. On 8 December 1992 the applicant was allocated an apartment at Ulica Crkvice 35 in Zenica. On 18 December 2000 the Administration for Housing Issues in Zenica issued a decision ordering the applicant to vacate the apartment in Ulica Crkvice, because the pre-war occupancy right holder requested to be reinstated. The applicant was not granted the right to alternative accommodation.

3. The applicant complains of the decision of 18 December 2000, because she was not granted the right to alternative accommodation. However, the applicant's father is the occupancy right holder over an apartment in the same municipality, Zenica, which is one of the legal reasons for denying a current occupant the right to alternative accommodation.

II. OPINION OF THE CHAMBER

4. The Chamber notes that the decision on eviction of 18 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 materials in its possession the Chamber finds that the decision on eviction does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that this part of the application is manifestly ill-founded and must be rejected, in accordance with Article VIII(2)(c) of the Agreement.

5. The Chamber further notes that the applicant complains that she was not granted the right to alternative accommodation. However, the European Convention for the Protection of Human Rights and Fundamental Freedoms does not contain any right to be granted an apartment. A complaint concerning the right to housing could come within the scope of Article 11 of the International Covenant on Economic, Social and Cultural Rights ("the Covenant"). However, under Article II(2) of the Agreement, the Chamber only has jurisdiction to consider cases of alleged or apparent discrimination on a wide range of specified grounds in relation to the enjoyment of the rights guaranteed under the Covenant and the other international instruments referred to in the Appendix to the Agreement. The applicant has not alleged that there has been any such discrimination. Neither is it apparent from the facts of the case that the applicant has in fact been the victim of discrimination on any of the grounds set out in Article II(2)(b) of the Agreement. It follows that this part of the application is incompatible *ratione materiae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c), and must be rejected.

III. CONCLUSION

6. 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