



## **DECISSION ON ADMISSIBILITY**

**Case No. CH/02/9346**

**Nura MUTAPČIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 November 2002 with the following members present:

Mr. Giovanni GRASSO, President  
Mr. Viktor MASENKO-MAVI, Vice-President  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Vitomir POPOVIĆ  
Mr. Mato TADIĆ

Mr. Ulrich GARMS, 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 27 February 2002 and registered on the same day.
2. On 18 December 1996, the applicant was allocated the apartment in Džemala Bijedića no. 57 in Sarajevo, as temporary occupant. On 17 July 2000 the Administration on Housing Affairs of the Sarajevo Canton issued a procedural decision allowing the pre-war occupancy right holder over the apartment to repossess it, and ordering the applicant to vacate it within 15 days. The Administration determined that she was not entitled to alternative accommodation.
3. The applicant complains that she and her two daughters were evicted from the apartment without providing them with alternative accommodation.

## **II. OPINION OF THE CHAMBER**

4. In accordance with Article VIII(2) of the Agreement. "the Chamber shall decide which applications to accept...In so doing, the Chamber shall take into account the following criteria:....  
(c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition."
5. The Chamber notes that the decision on eviction of 17 July 2000 was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no legal right under domestic law to occupy the apartment. In these circumstances 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 is manifestly ill-founded and must be rejected, in accordance with Article VIII(2)(c) of the Agreement.
6. The Chamber further notes that the applicant complains of an interference with her 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 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 (see case no. CH/01/6662, *Huremović*, decision on admissibility of 6 April 2001, paragraph 4, Decisions January-June 2001). 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 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**

7. For these reasons, the Chamber, unanimously

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Giovanni GRASSO  
President of the Second Panel