



DECISION ON ADMISSIBILITY

Case No. CH/00/5245

Safet ŠEHOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

and

THE REPUBLIKA SRPSKA

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 27 June 2000. The applicant requested the Chamber to order the respondent Party as a provisional measure to provide the applicant with alternative accommodation. On 3 July 2000, the Chamber decided not to order the provisional measure requested.

2. In 1992, the applicant lived on the first floor of a family house at Ulica Smaje Šikala 135 in Sarajevo. The first floor was devastated during the hostilities and not afterwards reconstructed. On 2 October 1993 the applicant was allocated an apartment at Ulica Marka Marulića 7A/14 in Sarajevo. On 30 June 1999 the Administration for Housing Issues of Canton Sarajevo issued a decision ordering the applicant to vacate the apartment in Ulica Marka Marulića, because the pre-war occupancy right holder requested to be reinstated. The applicant was granted the right to alternative accommodation. On 15 June 2000 the applicant was evicted.

3. The applicant complains because he was not provided with the alternative accommodation. The applicant designated the Republika Srpska as a respondent Party as well, but he did not specify his complaints against it.

II. OPINION OF THE CHAMBER

4. The Chamber finds that the applicant's complaint does not concern an interference with his rights under the Agreement by the authorities of the Republika Srpska. It follows that the application is incompatible *ratione personae* with the provisions of the Agreement and must be rejected, in so far as it is directed against the Republika Srpska.

5. The Chamber notes that the decision on eviction of 30 June 1999 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.

6. The Chamber further notes that the applicant complains of an interference with his 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 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)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel