



DECISION ON ADMISSIBILITY

Case no. CH/01/6662

Faketa HUREMOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 April 2001 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. 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 3 January 2001. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to revoke the decision of 13 December 2000 of the Administration for Housing Affairs of Sarajevo Canton (“the Administration”) under which she was ordered to vacate an apartment located at ulica Mjedenica no. 5 In Sarajevo with no right to alternative accommodation. In addition, she requested that the Chamber order the Administration to allocate her alternative accommodation. On 7 March 2001 the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a procedural decision of the Administration ordering her to vacate the apartment with no right to alternative accommodation. It appears that she had used the apartment undisturbed since 1994, but without any legal basis.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the decision in question was taken to allow the pre-war occupancy right holder to repossess the apartment and that the applicant has no legal right to occupy it. In these circumstances and in light of all the material in its possession, 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 this part of the application must be rejected as manifestly ill-founded, in accordance with Article VIII(2)(c) of the Agreement.

4. As to the applicant’s claim that she has been denied the right to alternative accommodation, the Chamber notes that she is neither entitled to such accommodation under domestic law, nor does the European Convention for the Protection of Human Rights and Fundamental Freedoms contain a right to that effect. 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)(b) of the Agreement, the Chamber only has jurisdiction to consider alleged violations of rights guaranteed under the Covenant or the other international instruments referred to in the Appendix to the Agreement in case of alleged or apparent discrimination, on a wide range of specified grounds, in relation to the enjoyment of these rights. 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

5. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel