



DECISION ON ADMISSIBILITY

CASE No. CH/01/6954

Amira ĆATO

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. 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 7 March 2001. The applicant, who is of Bosniak origin, requested that the Chamber order the respondent Party as, a provisional measure, to take all necessary action to prevent her eviction. The President of the Second Panel rejected this request on 20 March 2001.

2. The applicant complains that the decision of the Municipal Service for Urbanism, Housing and Utility Affairs of the Municipality Novi Grad - Sarajevo in favour of the owner of the house currently occupied by her did not grant her a right to alternative accommodation.

II. OPINION OF THE CHAMBER

3. The Chamber has examined the application and notes that the applicant complains that there has been 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 Culture 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 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 application has not alleged that there has been any such 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

4. For these reasons, the Chamber, by 5 votes to 1,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel