



DECISION ON ADMISSIBILITY

CASE No. CH/01/7504

Salko KALAJDŽIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 September 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. 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 16 May 2001 and registered on the same day. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent his eviction from the apartment which he occupies in Sarajevo, Ulica Kemala Kapetanovića 13. The President of the Second Panel rejected this request on 17 May 2001.

2. The applicant complains of a violation of his right to respect for his home because the Administration for Housing Affairs of the Sarajevo Canton, by ordering his eviction from the apartment he temporarily occupies and allowing the pre-war occupant to repossess the apartment in question, failed to allocate the applicant and his family adequate alternative accommodation. The applicant states that one of his daughters suffers from respiratory disease and cannot live in the inadequate apartment which the Administration for Housing Affairs of the Sarajevo Canton and pre-war occupancy right holder offered to him.

II. OPINION OF THE CHAMBER

3. The applicant has directed the application against Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina. The Chamber notes, however, that the authorities responsible for the decision complained of are those of the Federation of Bosnia and Herzegovina. Therefore, Bosnia and Herzegovina cannot be held responsible for any possible human rights violations. That being so, the application is incompatible *ratione personae* insofar as it is directed against Bosnia and Herzegovina.

4. With respect to the Federation of Bosnia and Herzegovina, the Chamber finds that the applicant complains that he was not allocated adequate alternative accommodation. The Chamber notes that the European Convention for the Protection of Human Rights and Fundamental Freedoms does not 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 may be rejected.

III. CONCLUSION

5. 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