



DECISION ON ADMISSIBILITY

**Cases nos. CH/01/7514, CH/01/7545, CH/01/7584,
CH/01/7745, CH/01/7756, CH/01/7781, CH/01/7783,
CH/01/7809, and CH/01/7814**

**Elmaza OSMANAGIĆ, Mohamed Reza YOUZBASHI, Mujo BALTA,
Hasan PALO, Munira PAŠIĆ, Esad BOGILOVIĆ, Midhat KAPETANOVIĆ,
Sabina DENDIĆ, and Feriza TAAMNEH**

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 January 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, Deputy Registrar

Having considered the aforementioned applications 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 applications were introduced between 18 May 2001 and 21 August 2001 and registered between 22 May 2001 and 21 August 2001.
2. All the applicants requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary action to prevent their eviction from apartments or houses which they occupied. In all of the cases, the request for provisional measures was rejected.
3. The applicants each complain of a procedural decision from the local housing bodies ordering their eviction from an apartment or house which they occupied. The evictions were ordered because the pre-war occupants or owners obtained a decision entitling them to regain possession of the apartment or house and terminating the applicants' temporary right to use them. The applicants Youzbashi, Palo, Pašić, Bogilović, Dendić, and Taamneh also complain that they have not been offered 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 decisions on the applicants' evictions were taken to allow the pre-war occupancy right holder or owner to repossess the apartment or house in question and that the applicants have no right under domestic law to occupy the apartments or houses. In these circumstances, the Chamber finds that the applications do not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the applications are manifestly ill-founded, within the meaning of Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare this part of the applications inadmissible.
6. As to the applicants' claim that they have been denied the right to alternative accommodation, the Chamber notes that the European Convention on Human Rights does not contain a right to that effect. As the Chamber has explained in previous cases on this issue, it only has jurisdiction to consider the right to housing, which is protected by Article 11 of the International Covenant on Economic, Social and Cultural Rights, in connection with alleged or apparent discrimination in the enjoyment of such right (see case no. CH/01/6662, *Huremović*, decision on admissibility of 6 April 2001, paragraph 4, Decisions January-June 2001). The facts of these cases do not indicate that the applicants have been victims of discrimination on any of the grounds set forth in Article II(2)(b) of the Agreement. It follows that this part of the applications is incompatible *ratione materiae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare this part of the applications inadmissible as well.

III. CONCLUSION

7. For these reasons, the Chamber unanimously,

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel