



DECISION ON ADMISSIBILITY

Case no. CH/01/7559

**Zahid HEĆO
against**

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 3 July 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 4 June 2001. The application was directed against Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina.
2. The applicant requested the Chamber to order the respondent Parties, as a provisional measure, to allocate him an alternative accommodation and to take all necessary actions to prevent his eviction from the apartment located at ul. Londža 77/II in Zenica, until his housing problem and his appeal before the Ministry for Urbanism, Environmental Planning and protection of Environment of Zeničko-Dobojski Canton (Ministarstvo za urbanizam, prostorno uređenje i zaštitu okolice Zeničko-Dobojskog Kantona) are resolved. On 7 June 2001 the Chamber decided not to order the provisional measure requested.
3. The applicant complains that his right to alternative accommodation, established by a procedural decision of the Zenica Municipality ("Municipality") of 3 March 2000, was cancelled in the later course of the proceedings before the Municipality by its procedural decision issued on 27 April 2001. The reason for determining that the applicant had no such right was, as Municipality explained that the applicant's father had a suitable house in Ričice (Zenica Municipality).

II. OPINION OF THE CHAMBER

4. The application was directed against Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina. The Chamber notes that the authorities involved in this case are not the authorities of Bosnia and Herzegovina. Accordingly, the Chamber decides not to accept the application, in so far as it is directed against Bosnia and Herzegovina.
5. The Chamber notes, that the applicant was ordered to vacate the apartment pursuant to a lawful decision allowing the pre-war occupancy right holder to repossess the apartment and terminating his right of temporary use. In the light of all the material in its possession, the Chamber finds that the facts complained of do 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.
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. Nor 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

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Olga Kapić
Deputy Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel