



DECISION ON ADMISSIBILITY

Case No. CH/01/7739

Mersija ĐULIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 October 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. 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 26 July 2001. The applicant is temporary occupant of an apartment in Zenica, Armije RBiH 24/3. She asked the Chamber to order a provisional measure preventing her eviction from the apartment, scheduled for 27 July 2001. On 26 July 2001, the Chamber rejected the request.

2. The applicant complains that the competent body has illegally established that she has no right to alternative accommodation. She states that she can not return into her pre-war apartment, as her brother-in-law does not allow her to do so.

II. OPINION OF THE CHAMBER

3. As far as the applicant's per-war apartment is concerned, the Chamber states that, in accordance with Article VIII(2) of the Agreement, it "shall decide which applications to accept ... and shall take into account the following criteria: (a) Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted"

4. The applicant claims 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 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)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel