



DECISION ON ADMISSIBILITY

CASE No. CH/01/7930

Ismet ČEŠKO

against

FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 10 November 2001 with the following members present:

Mr. Jakob MÖLLER, Acting President
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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 applicant is the temporary occupant of an apartment in Sarajevo which was allocated to him as alternative accommodation, as the house he lived in before the war in Bosnia and Herzegovina, and which was given to him before the war as alternative accommodation, is completely destroyed.

2. The applicant received an order of the Administration for Housing Affairs in which his eviction from the apartment is scheduled for 4 October 2001. The applicant claims, however, that he was promised that he would not be evicted from his apartment until he was able to repair the house in which he lived before the war, or until he resolved his housing problem in some other way. He further states that he requested certain donations to reconstruct his house but has not received any kind of help. He claims that the threatened eviction violates his human rights.

II PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 26 September 2001 and was registered on the same day. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to take all necessary steps in order to prevent his eviction. On 28 September 2001 the President of the Second Panel rejected the request for provisional measures. The Chamber has no information as to whether the eviction has been carried out.

4. The applicant also submitted a compensation claim which refers to the cost of the building material necessary for reconstruction of his house.

IV. OPINION OF THE CHAMBER

5. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept ... and 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."

6. The Chamber notes that the applicant's eviction was ordered in order to reinstate the pre-war occupancy right holder into possession of the apartment and that the applicant has no legal right to remain in the apartment. It follows that the complaint concerning the threatened eviction is manifestly ill-founded in accordance with Article VIII (2)(c) of the Agreement.

7. As to the applicant's claim that he has been denied the right to alternative accommodation, the Chamber notes that he 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. In these circumstances, the Chamber finds that the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that this part of the application is outside the Chamber's competence *ratione materiae*, within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(Signed)
Ulrich GARMS
Registrar of the Chamber

(Signed)
Jacob MÖLLER
Acting President of the Second Panel