



DECISION ON ADMISSIBILITY

Case no. CH/02/8897

Bajro BEČIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 to the Chamber on 15 February 2002 and registered on the same day.
2. The application concerns the applicant's request to the Chamber to enable him to continue using his current apartment, which was provided to him as alternative accommodation. The applicant complains that his right to respect for home and private and family life has been violated.

II. FACTS

3. On 26 February 2001, the applicant concluded a contract with the Ministry for Work, Social Politics, Refugees and Displaced Persons on temporary use of an apartment in the Municipality Ilijaš for alternative accommodation for the period of six months. It appears that the applicant's contract on use of the apartment was later extended. After the contract on temporary use expired, the applicant addressed the administration organ of the Municipality Ilijaš with a request to continue living in the alternative accommodation. The administrative organ of the Municipality Ilijaš denied the applicant's request.

III. 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 applicant complains that he has been denied the right to continue living in alternative accommodation after his contract on using the apartment allocated to him for that purpose had expired. The Chamber notes that the applicant is neither entitled to continue using such accommodation under domestic law, nor does the European Convention on Human Rights 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 this case do not indicate that the applicant has been the victim of discrimination on any of the grounds set forth 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). The Chamber therefore decides to declare the application inadmissible.

IV. CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Ms. Michèle PICARD
President of the First Panel