



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/775

J.D.

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVNA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 12 November 1998 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. Leif BERG, 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 and in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(2)(c) of the Agreement as well as Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The facts of the case are based on the application and appended documentation and can be summarised as follows:
2. The applicant states that since February 1996, he has appealed to various BiH and FBiH Authorities including the Presidency of BiH, Government of the FBiH, Headquarters of the BiH Army, President and Prime Minister of the Government of Tuzla-Podrinje Canton, The Presidency's Cabinet for Human Rights in BiH ("Institutions") because of his serious health and housing problems caused by his participation in Armed Forces of Republic of BiH during the period from 20 May 1992 to 18 February 1996. According to the applicant, events which occurred during the war while he was in a commando squad caused his bad health.
3. Medical documentation states that the applicant has been under medical treatment for about four years because of mental traumas as a result of the war.
4. The applicant states that despite his bad health he tried to get the above mentioned Institutions to provide him with financial funds through his military bank book ("book") which would enable him to start with work, either using the funds for medical treatment or financial support. The applicant states that he never received any written response from the FBiH Government and his "book" was lost within the Government.
5. The applicant received a letter from the Presidency of BiH dated 25 March 1997 suggesting he notify the Prime Minister's Cabinet of Tuzla - Podrinje Canton ("Canton") that the applicant's "book" was never received into the Presidency. The applicant requested of the President of the Tuzla - Podrinje Canton Government urgent and written decisions on his requests.
6. After 25 March 1998, the Authorities of "Canton" and the Tuzla Municipality, tried to find a solution for applicant's problems but it seems that no final decision has been reached on applicant's requests. The letters of the "Canton" dated 9 and 15 December 1997, state that the applicant gave up his request for financial support for private business because he did not fulfil legal conditions and that the applicant's requests were unclear with no valid documentation. The letter of the Municipality Tuzla dated 12 March 1998 states that the applicant was advised to submit requests for solving the housing/health problems to the competent Authorities. There is no proof in the case file that applicant did so.
7. On 8 June 1998 the applicant was declared a war military invalid (50%), based on his request dated 25 May 1998.

II. COMPLAINTS

8. The applicant alleges that he suffers from serious health and housing problems caused by his participation in the armed forces of the Republic of Bosnia and Herzegovina during the period of 20 May 1992 to 18 February 1996. He claims that he has been denied all help by the Government of Bosnia and Herzegovina and thus left with no support. He further alleges that his attempts to obtain help for these problems from the governments of the State and Federation of Bosnia and Herzegovina have not succeeded.

III. PROCEEDINGS BEFORE THE CHAMBER

9. The application was introduced and registered on 16 July 1998. The applicant requested that the Chamber identify, as a provisional measure: "the legal remedy to find the best solution in his case."

IV. OPINION OF THE CHAMBER

10. Before considering the merits of the case the Chamber must decide whether to accept the case, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c) of the Agreement, the Chamber shall dismiss any application which it considers manifestly ill-founded.

11. The Chamber recognizes the trauma suffered by the applicant in the course of his participation in the armed forces of the Republic of Bosnia and Herzegovina. However, the Chamber also notes that government authorities, the Presidency of BiH and the Municipality of Tuzla, advised the applicant on the appropriate method of seeking government assistance and that the applicant has failed to follow this advice. The applicant has not identified any action or failure of action by the respondent Parties which could amount to a violation of his rights under any of the treaties set out in the Annex to the Agreement.

12. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

13. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed) Leif BERG
Registrar of the Chamber

(signed) Michèle PICARD
President of the First Panel