



DECISION ON ADMISSIBILITY

Cases nos.

**CH/99/1552, CH/99/1605, CH/99/1606, CH/99/1608,
CH/99/1619, CH/99/1634, and CH/99/2182**

**Juso BEŠIROVIĆ, Samir DORIĆ, Murat REKANOVIĆ, Nail MESIĆ,
Sead LJUBIJANKIĆ, Munir BOSTANDŽIJA, and Jan BURDA**

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 10 February 2000 with the following members present:

Ms. Michèle PICARD, President
Mr. Giovanni GRASSO, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Miodrag PAJIĆ
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
Mr. Andrew GROTRIAN

Mr. Anders MÅNSSON, 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. FACTS

1. The applicants, citizens of Bosnia and Herzegovina, are serving prison sentences in the Zenica Correctional Facility. On 23 December 1997 the President of the Federation of Bosnia and Herzegovina, in consultation with the Ministry of Justice of the Federation, issued a decision to pardon certain imprisoned individuals. This pardon had the effect of lowering the remainder of the sentence to be served by one-third. None of the applicants' names appeared on the list of pardoned individuals when it was published in the Official Gazette of the Federation of Bosnia and Herzegovina on 31 December 1997.

2. Throughout 1998 the applicants individually submitted complaints to the Ombudsmen of the Federation, the Ministry of Justice, the Supreme Court, the President of the Federation and the Head of the Reformatory Department of Zenica asserting their right to be pardoned. Their efforts were to no avail.

II. COMPLAINT

3. The applicants claim that they are eligible to be pardoned and that the fact that they have not been pardoned involves a violation of the "protection and rights of convicted persons".

III. PROCEEDINGS BEFORE THE CHAMBER

4. The applications were introduced between 10 February and 14 May 1999 and registered between 10 February and 20 May 1999.

5. On 9 December 1999 and 6 January 2000, in accordance with Rule 29(2) of the Chamber's Rules of Procedure, the Panels to which the applications were originally assigned relinquished jurisdiction in favour of the plenary Chamber.

6. The Chamber decided to join the cases on 10 February 2000.

IV. OPINION OF THE CHAMBER

7. Before considering the merits of the applications the Chamber must decide whether to accept them, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement.

8. The Chamber is competent to examine allegations of violations of human rights protected by the Agreement. However, the Agreement does not afford convicted individuals a right to be pardoned.

9. Accordingly, the Chamber decides not to accept the applications as they are incompatible *ratione materiae* with the Agreement within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

10. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber