



## **DECISION ON ADMISSIBILITY**

**CASE No. CH/01/6740**

**M. A.**

**against**

### **THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 May 2001 with the following members present:

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

Mr. Peter KEMPEES, 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)(a) and (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 16 January 2001. The applicant, who is detained on charges of enabling another to enjoy narcotics and of unauthorised production and sale of narcotics requested that the Chamber order a provisional measure to release him from detention. On 2 April 2001 the Chamber decided not to order the provisional measure.

2. The applicant complains that an amnesty ought to have been granted for the first criminal act, and that domestic courts, in criminal proceedings, gave unlawful judgments in which the state of facts was erroneously established.

**II. OPINION OF THE CHAMBER**

3. The Chamber notes that the applicant complains that there has been an interference with his right to be amnestied. However, this is not a right which is included among the rights and freedoms guaranteed under the Agreement. It follows that the application, in this part, is incompatible *ratione materiae* with the provisions of the Agreement. Further, the Chamber notes that the applicant did not submit any evidence to substantiate his allegations of unfairness during the criminal proceedings. In the light of all the material in its possession, 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 the application is manifestly ill-founded and must be rejected, in accordance with Article VIII(2)(c) of the Agreement.

**III. CONCLUSION**

4. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Peter KEMPEES  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the First Panel