



DECISION ON ADMISSIBILITY

Case no. CH/01/7344

Sakiba DOVADŽIJA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on July 2003 with the following members present: 4

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER, Vice-President
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

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. FACTS

1. The application was introduced on 29 March 2001. The applicant, a citizen of Bosnia and Herzegovina, is a housewife from Ilijaš. According to the applicant, her husband, Salih Dovadžija, was mobilised to a unit of the Territorial Defence (hereinafter: "TO") in Ilijaš in April 1992. As of 25 July 1992, he is registered as a missing person with the State Commission for Tracing Missing Persons of Bosnia and Herzegovina.

2. Thereafter, the applicant initiated proceedings before the Ilijaš Municipal Secretariat of the Federal Ministry of Defence (hereinafter: "the Ministry") in order to be recognised as a family member of a fallen fighter. However, she has not been able to acquire such status. In a decision issued by the Ministry on 7 January 2000, membership of Salih Dovadžija in the Ilijaš TO was only acknowledged for the period of time reaching from 13 until 15 July 1992. According to the decision, on the latter date he voluntarily abandoned his unit. On 21 December 2000, the Supreme Court of the Federation of Bosnia and Herzegovina, as the last instance court, rejected the applicant's claim.

II. COMPLAINTS

3. The applicant alleges a violation of her right to be recognised as a family member of a fallen fighter and of her right to obtain social benefits related to such status, also for her underage daughter.

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 the Agreement, manifestly ill-founded, or an abuse of the right to petition."

5. The Chamber notes that the applicant's grievances relate to her attempts to be granted the status of a family member of a fallen fighter and the social benefits derived therefrom. However, this is not a right which is included among the rights and freedoms guaranteed under the Agreement (see, e.g., case no. CH/99/2083, *Akeljić*, decision on admissibility of 8 June 2000, paragraph 6, Decisions January-June 2000). 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)
Mato TADIĆ
President of the Second Panel