



DECISION ON ADMISSIBILITY

CASE No. CH/01/7451

M.I.

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 June 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice-President
Mr. Rona AYBAY
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) (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 27 April 2001. The applicant request the Chamber to issue a provisional measure ordering the respondent Party to pay him KM 100 per month to enable him to obtain medical treatment and pay utility costs. On 5 June the Chamber decided not to order the provisional measure requested.

2. The applicant complains that the domestic authorities erroneously established that he has no right to the status of military invalid. As a result of non-recognition of his military invalid status the applicant was denied compensation for his disability.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the subject matter of the dispute has been decided upon by the administrative organs of the Federation of Bosnia and Herzegovina and confirmed in the decision of the Sarajevo Cantonal Court of 1 February 2001. The Chamber finds no evidence to indicate that the domestic administrative proceedings were not conducted in accordance with the relevant legal provisions, or that the decisions given by the domestic competent organs were unreasonable or arbitrary. The Chamber further points out that it is not normally its task to review findings of fact made by domestic courts. The Chamber finds that the applicant complains that there has been a violation of his right to recognition of his status of military invalid. However, this is not a right which is included among the rights and freedoms guaranteed under 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), and must be rejected.

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