



DECISION ON THE ADMISSIBILITY

CASE No. CH/98/1412

Sead IDRIZOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 9 July 1999 with the following members present:

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

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 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 applicant is currently in prison in Zenica. According to the applicant, he had been placed on a list of prisoners to be pardoned on 14 September 1996. However, the applicant's name did not appear on two subsequent lists of prisoners to be pardoned. The applicant submitted complaints to the Ministry of Justice of the Federation of Bosnia and Herzegovina and the Correctional Institution in Zenica asserting his right to be pardoned.

II. COMPLAINTS

2. The applicant complains that the Federal Ministry did not comply in full with the legal provision on the rights of sentenced persons because he has not been placed on the subsequent lists to be pardoned.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The present application was introduced on 30 December 1998 and registered on the same day under the above-mentioned case number.

IV. OPINION OF THE CHAMBER

4. Before considering the case on its merits the Chamber has to 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), the Chamber shall dismiss any application which it considers incompatible with the Agreement.

5. The applicant in this case essentially only requests to be pardoned. According to the Agreement, it is within the Chamber's powers to find violations of the human rights protected therein and to order the appropriate remedies for the respondent Party's breach of its obligations under the Agreement. As no right to pardon is guaranteed in the Agreement or in any of the treaties listed in the Appendix to the Agreement, the Chamber has no authority to grant a pardon or to order the respondent Party to take action to this end.

6. Accordingly, the Chamber decides not to accept the application, it being incompatible *ratione materiae* with the Agreement within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Leif BERG
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel