



DECISION ON ADMISSIBILITY

Case no. CH/98/919

Husein HIROŠ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 June 2000 with the following members present:

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

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 applicant is a citizen of Bosnia and Herzegovina currently serving a prison sentence in the Zenica Correctional Facility. According to the applicant, several of his fellow prisoners were pardoned by virtue of decisions of the Presidency of Bosnia and Herzegovina since 1992.

II. COMPLAINT

2. The applicant complains that his right to equal treatment with other prisoners has been violated as he has not been pardoned.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 31 August 1998 and registered on 2 September 1998.

IV. OPINION OF THE CHAMBER

4. Before considering the merits of the case the Chamber must decide whether to accept it, 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 essentially requests to be pardoned. As no general 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 competence to grant a pardon or to order the respondent Party to take action to this end (see case no. CH/98/1412, *Idrizović*, decision on admissibility of 9 July 1999, Decisions January-July 1999).

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)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel