



DECISION ON ADMISSIBILITY

Case no. CH/99/2083

Devleta AKELJIĆ

against

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, a citizen of Bosnia and Herzegovina, is a housewife from Tuzla. By a decision of the Tuzla Municipal Secretariat for Defence of 30 November 1992 Mr. Adil Akeljić, the applicant's husband, was assigned to the "Municipal Logistic Centre" in Tuzla as a driver to perform a compulsory work obligation during the state of war. The applicant's husband died on 11 June 1993 in an accident.

2. From that time on, the applicant has made various attempts to obtain an administrative decision that she be entitled to social benefits from the War Invalids Fund and that the time her husband worked for the "Municipal Logistic Centre" be recognised as "years of service". She argued that her husband has been "mobilised" and had served as a regular member of the army. On 21 May 1998 the Federal Ministry of Defence, through its district office in Tuzla, rejected her claim.

II. COMPLAINT

3. The applicant alleges a violation of her human rights because her requests that her husband be recognised as a regular army member have been rejected. The applicant does not mention which rights in particular she considers to be violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 20 April 1999 and registered on the following day.

IV. OPINION OF THE CHAMBER

5. 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.

6. The Chamber notes that the applicant complains of an alleged wrongful determination of her husband's employment status. However, even if a failure of the competent authorities to correctly determine this issue were established, the Chamber cannot find that it would affect any of the applicant's rights as protected by the Agreement.

7. 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

8. 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