



DECISION ON ADMISSIBILITY

Case No. CH/99/2736

Mustafa KAPETANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 7 February 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice President
Mr. Hasan BALIĆ
Mr. Rona AYBAY
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 28 July 1999.
2. On 28 September 1998 Mr. Smail Mešak authorised the applicant to collect monthly pension payments for him during his absence. Mr. Smail Mešak lives outside of Bosnia and Herzegovina. On 17 July 1999 the Fund of Pension and Disability Insurance Branch Office Mostar orally informed the applicant that only Mr. Smail Mešak could collect his payments.
3. The applicant complains that he is not allowed to collect Mr. Smail Mešak's monthly pension payments during his absence. The applicant did not take any steps regarding his complaint before domestic organs.

II. OPINION OF THE CHAMBER

4. The Chamber has examined the application and finds that the applicant is not directly affected by the alleged violation of the Agreement. He cannot therefore claim to be a victim of that violation, as required by Article VIII(1) of the Agreement. It follows that the application is incompatible *ratione personae* with the provisions of the Agreement and must be rejected.

III. CONCLUSION

5. For these reasons, the Chamber, unanimously

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle Picard
President of the Second Panel