



DECISION ON ADMISSIBILITY

Case no. CH/00/3738

Nedeljko JANDRIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 12 October 2000 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. 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)(b) 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 of Serb descent. He is the same person as the applicant in case CH/98/905 (see *Jandrić v. the Federation of Bosnia and Herzegovina*, Decision of 9 July 1999, Decisions August-December 1999). On 1 June 1996 while travelling together with certain other persons (see *Čegar v. The Republika Srpska*, Case No. CH/97/21, Decision of 6 April 1998, Decisions and Reports 1998), he was arrested by Bosnian Croat police, near Glamoč in the Federation of Bosnia and Herzegovina. The applicant was detained in Glamoč until 3 June 1996, when he was transferred to a place of detention in Livno. On 11 June 1996 he was moved to the military detention centre operated by the Croat Defence Council (“the HVO”) in Rodoč, Mostar. The ICRC registered the applicant as a detainee on 12 June 1996.
2. The applicant was allegedly forced to carry out manual labour while detained in Rodoč and repeatedly subject to abuse based on his national origin.
3. The applicant was released from detention on 12 July 1996.
4. The applicant was never provided with any information about the reasons for his arrest and subsequent detention other than that he was being held for the purpose of exchanging him for Bosnian Croat prisoners held by the authorities of the Republika Srpska.

II. COMPLAINTS

5. The applicant complains of violations of his rights guaranteed under Articles 3, 4, 5, 8, 13 and 14 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

6. The applicant's first application, i.e. CH/98/905, was submitted to the Chamber on 28 August 1998 and registered the same day. On 9 July 1999 the Chamber declared the case inadmissible.
7. On 17 April 2000 the applicant submitted the present application to the Chamber which is substantially the same as the applicant's first application. The application was registered on the same day.
8. On 9 September 2000 the Chamber considered the admissibility of the application. On 12 October 2000 it adopted the present decision.

IV. OPINION OF THE CHAMBER

9. 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)(b), the Chamber shall not address any application which is substantially the same as a matter which has already been examined by the Chamber.
10. The Chamber notes that this case is substantially the same as case no. CH/98/905, which was submitted by the applicant and examined by the Chamber in its decision of 9 July 1999. The applicant has not demonstrated that any new facts have come to light that might affect the opinion of the Chamber as expressed in that decision.
11. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(b) of the Agreement.

V. CONCLUSION

12. For these reasons, the Chamber, unanimously

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel