



DECISION ON ADMISSIBILITY

CASE No. CH/99/3213

Zećir KALTAK

against

THE REPUBLIKA SRPSKA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 May 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice President
Mr. Hasan BALIĆ
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 22 November 1999 and registered the following day.
2. The applicant, who was born in 1923, complains that he was captured by a group of local Bosnian Serbs in the municipality of Rudo on 5 June 1992 and was held captive until 29 July 1992. He alleges that during his captivity he was physically and psychologically maltreated, including severe blows to the head and neck after which his sight suddenly weakened. The maltreatment allegedly resulted in injuries of the spine and neck.
3. The applicant initiated proceedings before the domestic bodies of the Federation of Bosnia and Herzegovina in order to be recognised as a civilian victim of war and to receive a disability pension. On 13 October 1999 the Supreme Court gave a final decision rejecting his request.
4. The applicant complains of having been kept in captivity, maltreated and forced to work.
5. The applicant seeks the annulment of the decision of the Supreme Court of the Federation of Bosnia and Herzegovina of 13 October 1999.

II. OPINION OF THE CHAMBER

6. The Chamber finds that insofar as the applicant complains of inhumane treatment the facts complained of relate to a period prior to 14 December 1995, which is the date on which the Agreement came into force. However, the Agreement only governs facts subsequent to its entry into force. It follows that the application is incompatible *ratione temporis* with the provisions of the Agreement and must be rejected.
7. The Chamber further notes that the decision of the Supreme Court of the Federation of Bosnia and Herzegovina of 13 October 1999 does not appear to be unreasonable or arbitrary and that consequently no violation of Article 6 of the Convention can be established. It follows that this part of the application is manifestly ill-founded and must be rejected, in accordance with Article VIII (2) (c) of the Agreement.

III. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel