



DECISION ON ADMISSIBILITY

Cases no. CH/02/10060, CH/02/10061 and CH/02/10063

Halil MULAĆ, Ćamil MULAĆ and Jusuf MULAĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 2002 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned applications 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. All three applicants introduced their applications on 29 April 2002, and they were registered on the same date.
2. The applicants complain of violations of their human rights stemming from their detainment in concentration camps, the conditions of their detention, and the maltreatment they endured while detained. According to the applicants, conditions in the camps were extremely inhuman and degrading, and they were subjected to humiliation, forced labour, and torture.
3. Halil Mulać (case no. CH/02/10060) was born in 1940 in Stolac. He alleges that he and other Bosniaks living near the Stolac Municipality were expelled from their homes and taken to collection camps between 15 April 1993 and the end of 1993. The men were later taken to concentration camps, while the women and children were expelled toward Mostar. The applicant and his two sons were detained in the Dretelj and Heliodrom concentration camps from the beginning of July 1993 until 25 December 1993. The applicant reports that conditions in the camps were inhuman and degrading.
4. Ćamil Mulać (case no. CH/02/10061) was born in 1935 in Stolac. From the beginning of July 1993 until 20 November 1993, the applicant and his son were detained in concentration camps at Gabela, Kočerín, Otoka, Sutina, Dogani, Sovići, and Oluja. During this time, the applicant and other detainees were forced to dig trenches on the front lines.
5. Jusuf Mulać (case no. CH/02/10063) was born in 1944 in Stolac. From 15 July 1993 until 19 October 1993 he was detained in the concentration camp in Gabela. The applicant reports that he was constantly beaten such that he could not walk when he was released from the concentration camp.
6. The applicants complain that their right to life has been violated; that they were subjected to physical maltreatment, humiliation, and torture; and that they were discriminated against on the basis of their national origin and religious beliefs. Consequently, they have suffered physical and mental harm, and they request compensation for these non-pecuniary damages.

II. OPINION OF THE CHAMBER

7. In accordance with Article VIII(2) of the Agreement, “the Chamber shall decide which applications to accept... In so doing, the Chamber shall take into account the following criteria: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition.”
8. The Chamber finds that the facts complained of relate to a period prior to 14 December 1995, which is the date on which the Agreement entered into force. However, the Agreement only governs facts subsequent to its entry into force. It follows that the applications are incompatible *ratione temporis* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the applications inadmissible.

III. CONCLUSION

9. For these reasons, the Chamber, unanimously ,

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel