



DECISION ON ADMISSIBILITY

Cases nos. CH/02/12032, CH/02/12198 and CH/02/12199

Edhem MUHAREMOVIĆ, Hamdo HADŽIĆ and Ismir HADŽIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

Mr. Ulrich GARMS, 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 applicants introduced their applications on 14 and 30 August 2002, and they were registered on the same dates.
2. The applicants are citizens of Bosnia and Herzegovina of Bosniak descent. They complain of violations of their human rights suffered during the armed conflict in Bosnia and Herzegovina due to their internment in detention camps on the territory controlled by the armed forces of the Bosnian Serbs. According to the applicants, conditions in the camps were extremely inhuman and degrading, and they were subjected to humiliation, forced labour, and torture.
3. Edhem Muharemović (case no. CH/02/12032) was born in 1934 in Sarajevo. He alleges that he was detained in the concentration camp Vogošća-Svrake-Kula from 17 June 1992 until 8 February 1993. The applicant reports that conditions in the camp were inhuman and degrading. He points out that he was used as a “live shield” during heavy fighting on the hill Žuč.
4. Hamdo Hadžić (case no. CH/02/12198) was born in 1946 in Foča. On 25 May 1992, the applicant and his son were expelled from their home in Foča by Serb soldiers and detained in the detention camp KPD Foča. The applicant was detained in that detention camp from 25 May 1992 until 10 October 1994. During this time, the applicant was subjected to various forms of torture.
5. Ismir Hadžić (case no. CH/02/12199) was born in Foča in 1971. From 25 May 1992 until 6 October 1994, he was detained in the detention camp KPD Foča. The applicant reports that he was subjected to torture in the detention camp.
6. The applicants complain that their right to life, their right to liberty and security of person, their right not to perform forced or compulsory labour and their right to a fair trial have 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 this non-pecuniary damage.

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)
Viktor MASENKO-MAVI
Acting President of the Second Panel