



DECISION ON REQUEST FOR REVIEW

Case nos. 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 in plenary session on 11 January 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Mato TADIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Miodrag PAJIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, Deputy Registrar

Having considered the applicants' request for a review of the decision of the First Panel of the Chamber on the admissibility of the aforementioned case;

Having considered the Second Panel's recommendation;

Adopts the following decision pursuant to Article X(2) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina as well as Rules 63 to 66 of the Chamber's Rules of Procedure:

I. FACTS AND COMPLAINTS

1. The applicants are citizens of Bosnia and Herzegovina. On 29 April 2002, they introduced applications complaining 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. All the facts complained of occurred from April 1993 to December 1993.

II. PROCEEDINGS BEFORE THE CHAMBER

2. The applications were introduced on 29 April 2002. On 5 September 2002, the First Panel declared the applications inadmissible as incompatible *ratione temporis* with the provisions of the Agreement, within the meaning of Article VIII (2)(c), because they relate to facts that occurred in a period prior to 14 December 1995, the date the Agreement entered into force.

3. On 27 September 2002, the Chamber transmitted the First Panel's decisions to the parties pursuant to Rule 52 of the Chamber's Rules of Procedure. The applicants received the decisions on 1 October 2002.

4. On 31 October 2002, the applicants submitted a request for review of their decisions.

5. In accordance with Rule 64(1), the Second Panel considered the request for review on 10 January 2003. In accordance with Rule 64(2), the plenary Chamber considered the request for review and the recommendation of the Second Panel on 11 January 2003. On the latter date, the Chamber adopted the present decision.

III. THE REQUEST FOR REVIEW

6. In the request for review, the applicants challenge the Chamber's finding that their claims related to torture are inadmissible *ratione temporis*, and they complain that they are unable to obtain justice for these events.

IV. OPINION OF THE SECOND PANEL

7. The Second Panel notes that the request for review has been lodged within the time limit prescribed by Rule 63(3)(b).

8. The Second Panel recalls that under Rule 64(2) the Chamber "shall not accept the request unless it considers (a) that the case raises a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance and (b) that the whole circumstances justify reviewing the decision".

9. The Second Panel, however, is of the opinion that the grounds upon which the applicants' request for review is based were in essence already examined and rejected on adequate grounds by the First Panel when it considered the admissibility of the case. The Second Panel notes that the applicants, in their request for review, complain that they are unable to obtain justice for the violation of their human rights. The events took place during the period from April 1993 to December 1993, however, and the Chamber continues to lack competence *ratione temporis* because the Agreement governs matters occurring after 14 December 1995, the date of its entry into force. The Second Panel therefore considers that the case does not raise "a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance" as required by Rule 64(2)(a).

10. Being of the opinion that the request for review does not meet the conditions set forth in Rule 64(2), the Second Panel unanimously recommends that the request be rejected.

V. OPINION OF THE PLENARY CHAMBER

11. The plenary Chamber agrees with the Second Panel that the request for review does not meet the two conditions required for the Chamber to accept such a request pursuant to Rule 64(2).

VI. CONCLUSION

12. For these reasons, the Chamber unanimously

DECIDES TO REJECT THE REQUEST FOR REVIEW.

(Signed)
Ulrich GARMS
Registrar of the Chamber

(Signed)
Michèle PICARD
President of the Chamber