



DECISION ON ADMISSIBILITY

Case no. CH/00/4537

Hanumica KORDIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ

Mr. Anders MÅNSSON, 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. FACTS

1. The applicant is a citizen of Bosnia and Herzegovina from Sarajevo. She is the sister of Mr. Raif Kordić who was killed while being in active service on 11 May 1992 in a suburb of Sarajevo. In January 1994 the applicant requested the competent criminal prosecutor to open a criminal investigation against two persons who allegedly killed her brother. On 9 October 1998 the investigative judge of the Cantonal Court in Sarajevo ordered the exhumation and the examination of the body of the applicant's brother. The exhumation took place on 28 October 1998 in the presence of court experts. It appears that since that date no further proceedings have taken place.

II. COMPLAINTS

2. The applicant complains that no criminal prosecution against those responsible for the death of her brother is taking place. She alleges a violation of her right to be heard in criminal proceedings and requests that the Chamber transmit her case to the International Criminal Tribunal for the former Yugoslavia.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 5 April 2000 and registered on the same day.

IV. OPINION OF THE CHAMBER

4. 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)(c), the Chamber shall dismiss any application which it considers incompatible with the Agreement.

5. As regards the alleged failure of the competent organs to proceed in the criminal prosecution in the case of the applicant's brother, the Chamber notes that there is no general right to have such a procedure conducted under the Agreement or in any of the treaties listed in the Appendix to the Agreement. The Chamber has therefore no authority to order the respondent Party to take action to this end.

6. Accordingly, the Chamber decides not to accept the application, it being incompatible with the Agreement *ratione materiae* within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Andrew GROTRIAN
Acting President of the First Panel