



DECISION ON ADMISSIBILITY

Case no. CH/00/5395 and CH/03/13062

Vaso ŠARENAC

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 March 2003 with the following members present:

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

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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 Rule 49(2) of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. Both applications concern Blagoje Šarenac's request that the respondent Party pay him compensation for the death of his father, Vaso Šarenac (the applicant, designated in the applications as the victim), who died in 1992 at the Silos camp near Hadžići.
2. Blagoje Šarenac states that in June 1992, his father was forcibly taken out of his house, arrested and taken to the Silos camp located at Tarčin, near Hadžići. The camp was founded by the former authorities, the successor of which is the respondent Party.
3. Blagoje Šarenac submitted a certificate of the International Committee of the Red Cross ("ICRC") of 13 August 1996 certifying that his father was registered by delegates of the ICRC as a prisoner of war on 26 November 1992 at the confinement location at Tarčin. This certificate also states that his father was regularly visited by the ICRC until 8 December 1992, when, according to the statement of the authorities, he died.
4. Blagoje Šarenac alleges that the authorities of the Federation of Bosnia and Herzegovina are responsible for his father's death; therefore, he requests compensation in the amount of 2,000 KM per month to be paid to him individually as the child of the applicant, who was an alleged victim of a human rights violation. Blagoje Šarenac states that on the basis of the ICRC certificate, Germany still pays compensations for similar violations, although more than fifty years have elapsed since the violations were committed.
5. On 5 March 2003 the Chamber decided to join the applications in accordance with Rule 34 of the Chamber's Rules of Procedure.

II. OPINION OF THE CHAMBER

6. 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."
7. The Chamber notes that the facts complained of related to a period prior to 14 December 1995, which is the date the Agreement entered into force. However, the Agreement is only applicable to human rights violations alleged to have occurred 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

8. For these reasons, the Chamber, unanimously,

JOINS THE APPLICATIONS and DECLARES THEM INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel