



DECISION ON ADMISSIBILITY

Case no. CH/02/12439

Rasema ČAMDZIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 December 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 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 VIII(2)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 14 November 2002.
2. On 7 June 2000, the applicant's son was arrested in Harrisonburg, Virginia, USA and detained in prison until 6 September 2000, on which day, according to police records, he was found dead in his cell at the age of 25.
3. On 7 September 2000, a pathologist of the Department of Health of the Chief Medical Examiner for the Western District of Virginia performed an autopsy and established "asphyxia due to hanging" as the cause of death. He concluded that the applicant's son had committed suicide.
4. On 8 September 2000, the Department of Health, Division of Vital Records of Richmond, Virginia issued an out-of-state transit permit. On 11 September 2000, the General Consulate of Bosnia and Herzegovina in New York issued a travelling certificate in order to transport the body of the applicant's son. The body was transported to Tešanj, the Federation of Bosnia and Herzegovina.
5. On 15 September 2000, upon the applicant's request, an expert of the General Hospital in Tešanj performed another autopsy. This expert also concluded that the applicant's son committed suicide.
6. The applicant, who is represented by a lawyer, alleges that the police in Harrisonburg, Virginia are covering the fact that her son was murdered while detained in prison. The applicant further complains about the fact that her son was held in isolation in a segregated cell and therefore she was not able to talk to him during his detention. Finally, the applicant complains that the right to life, the right to professional defence, the right to an effective legal remedy, and the right to compensation for non-pecuniary damage have been violated.

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 applicant's complaints do not concern an interference with her rights or the rights of her son under the Agreement by the authorities of any of the signatories to the Agreement. Moreover, the police of Harrisonburg, Virginia, USA, are not capable of engaging the responsibility under the Agreement of any of the signatories to the Agreement. The Chamber notes that the applicant has not provided any indication that the Federation of Bosnia and Herzegovina is in any way responsible for the actions she complains of, nor can the Chamber on its own motion find any such evidence. It follows that the application is incompatible *ratione personae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel