



DECISION ON ADMISSIBILITY

Case no. CH/02/8716

Nusret IBRELJIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 September 2002 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. According to the applicant, on 26 May 2000 in front of the Civil Security Center in Busovača, he asked a police officer where his brother was; his brother had allegedly been taken to the police station. While the applicant spoke with the police officer, another police officer, P.P., approached him and started insulting and kicking him. The applicant suffered serious injuries due to such kicking, and he was transported to the Hospital in Travnik where he received medical treatment for a certain period of time. Previously the applicant had been operated for a brain tumor and he was an invalid. As a result of the abuse by the police officer, he suffered serious further consequences.
2. The applicant contends that the police officer P.P. overstepped his authority by such conduct toward him and that he violated his fundamental human rights.
3. The applicant states that he gave a statement to the International Police Task Force and he applied to a lawyer to initiate legal proceedings, but nothing has been done on his behalf. Moreover, although a domestic legal remedy exists, he has not used it for “financial reasons”.

II. PROCEEDINGS BEFORE THE CHAMBER AND ALLEGED VIOLATIONS OF HUMAN RIGHTS

4. The application was introduced before the Chamber on 22 January 2002 and registered on the same day. The applicant alleged that all his rights have been violated.
5. In his application, the applicant did not indicate the respondent Party. There is no evidence in the case file to show whether the police officer P.P. was on duty at the time of the incident as described in the application. Assuming the incident occurred as alleged in Busovača (Zenica Canton, Federation of Bosnia and Herzegovina) and P.P. was on duty as a police officer, then the Chamber may consider the Federation of Bosnia and Herzegovina to be the respondent Party.
6. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take necessary action against the police officer P.P. and prepare a lawsuit to allow him to protect his human rights through the domestic courts. On 8 April 2002, the Chamber decided to reject the applicant’s request for a provisional measure.

III. 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: (a) ... that the application has been filed with the Commission within six months from such date on which the final decision was taken.”
8. The Chamber notes that the application was lodged on 22 January 2002. The incident described in the application, which caused the alleged violation of human rights, occurred on 26 May 2000. The applicant did not initiate proceeding before domestic organs for “financial reasons”. However, this is not an adequate reason to suspend application of the six months rule. Therefore, under the circumstances, the six-month time period for filing an application with the Chamber commenced on 26 May 2000. This date is more than six months before the date on which the application was filed with the Chamber. Accordingly, the application does not comply with the requirements of Article VIII(2)(a) of the Agreement and the Chamber therefore decides to declare the application inadmissible.

IV. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel