



PRESS RELEASE

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Human Rights Commission Holds its First Session

The Human Rights Commission within the Constitutional Court of Bosnia and Herzegovina held its first session last week, from Monday 12 January 2004 through Saturday 17 January 2004. The members of the Human Rights Commission — Mr. Jakob Möller (President), Mr. Miodrag Pajić (Vice-President), Mr. Želimir Juka, Mr. Mehmed Deković, and Mr. Andrew Grotrian — took their oaths of office and adopted the Commission's Rules of Procedure.

The Commission then turned to deliberating on applications. The Commission adopted two decisions on admissibility and merits. It found a violation of the right to a fair hearing within reasonable time protected by Article 6 of the European Convention on Human Rights ("the Convention") in the case of an applicant whose labour dispute before the domestic courts had lasted from 1988 until 2002. The Commission did not, however, find discrimination as claimed by the applicant. In a second decision on admissibility and merits, the Commission found violations of the rights of an estranged spouse to a fair hearing within a reasonable time (protected by Article 6 of the Convention) and to respect for her home, privacy, and family life (protected by Article 8 of the Convention).

The Commission decided 60 additional cases, either declaring the applications inadmissible or striking them out. The Commission further deliberated on another 310 cases at different procedural stages, involving a great variety of subjects, including JNA apartments, repossession of pre-war property by displaced persons, frozen old foreign currency savings, legality of expropriation and land allocation proceedings, alleged labour discrimination, alleged unlawful pre-trial detention, the right to a fair hearing within a reasonable time, the rights of policemen decertified by the UN International Police Task Force (IPTF), and the rights of relatives of persons who went missing during the war to know about the fate of their loved ones.

The plenary Commission will meet again in March 2004, as the Commission's present budget only allows for such meetings every second month. The Commission's Panel, which is composed of the three national members and has competence to declare applications inadmissible or to strike them out, will meet again in February.

Background

The Human Rights Commission within the Constitutional Court of Bosnia and Herzegovina was established by the "Agreement Pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina", signed by the three Parties to Annex 6 (Bosnia and Herzegovina, the Federation of BiH, and the Republika Srpska) in September 2003. This Agreement establishes that the Human Rights Chamber ceased to exist on 31 December 2003, and it mandates the Human Rights Commission to decide on cases received by the Chamber through 31 December 2003. The Chamber decided 6,243 of the approximately 15,200 applications lodged before it, and the Human Rights Commission now has approximately 8,950 applications to decide. The Human Rights Commission cannot accept any new applications.