



DECISION ON ADMISSIBILITY

Cases nos.

**CH/99/1992, CH/99/1993, CH/99/1994, CH/99/1995, CH/99/1996,
CH/99/2300, CH/99/2301, CH/99/2302, CH/99/2310, CH/99/2311,
CH/99/2312, CH/99/2313, and CH/99/2314**

**Igor KARAN, Milena KARAN, Milica KARAN, Nikola KARAN, S.B.,
Nikola SAVIĆ, Ilinka MILISAV, Božo MILISAV, Milivoj VIŠNJIĆ, R.M.,
S.M., T.M., and P.M.**

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 November 1999 with the following members present:

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

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. These thirteen cases concern citizens of Bosnia and Herzegovina of Serb origin who were detained by Bosnian Croat forces in the course of 1992 and released either later that year or in 1993, after the intervention of the International Committee of the Red Cross ("ICRC"). Twelve of the applicants were detained in Raščani, Tomislavgrad municipality, while the applicant in case no. CH/99/2310, Milivoj Višnjić, was detained in Vitez municipality. All of the applicants complain that they suffered physical and mental ill-treatment during their detention.

2. Between 6 and 29 July 1999 all of the applicants initiated proceedings before the Municipal Court II in Sarajevo against the Federal Ministries of Internal Affairs, Justice and Defence, claiming compensation for damages suffered during their detention. According to the information available to the Chamber, there have been no developments in any of these proceedings. The facts of each particular case are set out below.

3. The applicants Igor Karan, Milena Karan, Milica Karan and Nikola Karan, who are all members of the same family, were detained on 3 April 1992. The first three applicants were released on 29 June 1993. Nikola Karan was released on 30 October 1992.

4. The applicants S.B., Nikola Savić, Ilinka Milisav and Božo Milisav were detained on 3 April 1992 and released on 29 June 1993.

5. The applicant Milivoj Višnjić was detained in early June 1992 and released on 15 July 1992.

6. The applicants R.M., S.M., T.M. and P.M., who are all members of the same family, were detained on 3 April 1992. The first three applicants were released on 29 June 1993. P.M. was released on 30 October 1992.

II. COMPLAINTS

7. All of the applicants complain of violations of their rights as protected by Articles 3, 4 and 5 of the European Convention on Human Rights. They also complain of violations of their rights as protected by Articles 13 and 14 of the Convention in conjunction with Articles 3, 4 and 5 thereof.

III. PROCEEDINGS BEFORE THE CHAMBER

8. The applications were introduced between 21 July and 3 August 1999 and registered between 28 July and 3 August 1999.

IV. OPINION OF THE CHAMBER

9. The Chamber considers it appropriate to join the applications pursuant to Rule 34 of its Rules of Procedure.

10. Before considering the merits of the cases the Chamber must decide whether to accept them, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement.

11. The Chamber notes that all of the applicants were detained in 1992 and released either later that year or in 1993. Therefore, none of the applicants were detained after the entry into force of the Agreement. As the Chamber has previously held, the Parties to the Agreement cannot be held responsible for acts or omissions that occurred prior to the entry into force of the Agreement (see, e.g., case no. CH/96/15, *Grgić*, decision on admissibility of 5 February 1997, Decisions on Admissibility and Merits 1996-1997).

12. Therefore, the complaints relating to the applicants' detention are outside the Chamber's

competence *ratione temporis*.

13. The Chamber further notes that the applicants have all initiated proceedings before the Municipal Court II in Sarajevo against various organs of the respondent Party. The applicants initiated their proceedings on different dates in July 1999. On the basis of the information available to the Chamber, there is no indication that the conduct of their proceedings to date raises any issue under the Agreement.

14. Therefore, the complaints relating to the applicants proceedings are manifestly ill-founded.

15. Accordingly, the Chamber decides not to accept the applications, as they are partly incompatible *ratione temporis* with the Agreement and partly manifestly ill-founded within the meaning of Article VIII(2)(c) thereof.

V. CONCLUSION

16. For these reasons, the Chamber, unanimously,

JOINS THE APPLICATIONS AND

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Rona AYBAY
Acting President of the First Panel