



## **DECISION ON ADMISSIBILITY**

**Case no. CH/99/1999**

**Mičo, Sava, Borislava and Radislava VAŽIĆ**

**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. The case concerns citizens of Bosnia and Herzegovina of Serb origin who were detained by Bosnian Croat forces on 3 April 1992 and released either later that year or in 1993. The applicants were detained in Tomislavgrad. The applicants, who are all members of the same family, complain that they suffered physical and mental ill-treatment during their detention.

2. On 15 June 1999 they 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.

## **II. COMPLAINTS**

3. 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 and 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**

4. The application was introduced on 5 July 1999 and registered on 29 July 1999.

## **IV. OPINION OF THE CHAMBER**

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

6. The Chamber notes that the applicants were detained in 1992 and released either later that year or in 1993. Therefore, none of them 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 its entry into force (see case no. CH/96/15, *Grgić*, decision on admissibility of 5 February 1997, Decisions on Admissibility and Merits 1996-1997).

7. Therefore, the complaints relating to the applicants' detention are outside the Chamber's competence *ratione temporis*.

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

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

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

## **V. CONCLUSION**

11. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Anders MÅNSSON  
Registrar of the Chamber

(signed)  
Rona AYBAY  
Acting President of the First Panel