



DECISION ON ADMISSIBILITY

Case no. CH/02/11046

Obrenija NOSOVIĆ

against

BOSNIA AND HERZEGOVINA

and

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4
February 2003 with the following members present:

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Viktor MASENKO-MAVI

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, 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. INTRODUCTION

1. The application was introduced on 21 May 2002.
2. The applicant complains that during 1992 she was taken prisoner by the members of the Army of Bosnia and Herzegovina and she was sexually abused and raped while held in detention in the Central Prison in Sarajevo. She alleges a violation of Article 6 of the European Convention on Human Rights, as well as “the Convention’s provisions relating to the prohibition of torture”.

II. STATEMENT OF FACTS

3. The applicant alleges that on 28 August 1992, she was taken prisoner by members of the Army of Bosnia and Herzegovina and brought to the prison called “Sunce” (the Sun), which was located in Dobrinja II in the basement of the Privredna banka (the Commercial Bank). She was interrogated there for two days about her family (her husband, son and daughter).
4. According to the applicant, after the two days of interrogation, she was transferred to the Central Prison in Sarajevo, where she remained for 27 days and where she was raped and sexually abused. She was then transferred to the Viktor Bubanj Barracks in Sarajevo, where she was held in detention for another month, and then transferred again to the Central Prison for another 15 days.
5. The applicant states that by the procedural decision of the Higher Court in Sarajevo of 12 November 1992, her detention was terminated and her release was ordered.

III. OPINION OF THE CHAMBER

6. 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.”
7. The Chamber finds that the facts complained of relate to a period prior to 14 December 1995, which is the date on which the Agreement entered into force. However, the Agreement only governs facts subsequent to its entry into force. It follows that the application is incompatible *ratione temporis* with the provisions of the Agreement, within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible.

IV. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mato TADIĆ
President of the Second Panel