



DECISION ON ADMISSIBILITY

Case no. CH/99/1886

Boro ZELJKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 February 2000 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. Vitimir POPOVIĆ
Mr. Mato TADIĆ

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 applicant is citizen of Bosnia and Herzegovina of Serb origin. On 6 April 1992 he was captured by the Croatian Defence Council (“HVO”) and detained in various places in Bosnia and Herzegovina and Croatia until his release on 14 May 1992. He claims that he was physically and mentally maltreated during his detention.

2. On 24 May 1999 he applied to the Ministries of Justice, Defence and Internal Affairs of the Federation of Bosnia and Herzegovina, requesting compensation of 30,000 Convertible Marks (“*Konvertibilnih Maraka*”) for damages arising from his detention. According to the information he has supplied to the Chamber, he has not received any reply to this request yet. On the same date he initiated proceedings against the above ministries before the Municipal Court II in Sarajevo making the same compensation claim. On 3 December 1999 he requested the court to schedule a hearing in his case. There have been no developments in these proceedings to date.

II. COMPLAINTS

3. The applicant complains of violations of his rights as guaranteed by Articles 3, 4, 5, 13 and 14 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 25 March 1999 and registered on the same day.

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. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers, *inter alia*, incompatible with the Agreement or manifestly ill-founded.

6. The applicant was detained in 1992, before the entry into force of the Agreement. The Parties to the Agreement cannot be held responsible for acts or omissions that occurred prior to the entry into force of the Agreement. Therefore the complaint concerning the applicant’s detention is incompatible with the Agreement *ratione temporis*.

7. The Chamber further notes that, on 24 May 1999, the applicant 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 these proceedings to date raises any issue under the Agreement. Therefore, the complaint relating to the applicant’s proceedings is manifestly ill-founded.

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

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel