



DECISION ON ADMISSIBILITY

Case no. CH/02/12193

Miroslav and Milka MARKOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 October 2002 with the following members present:

Ms. Michèle PICARD, President
Mr. Rona AYBAY, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, 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. INTRODUCTION

1. The applicants introduced their application on 29 August 2002, and it was registered on the same date.
2. Miroslav and Milka Marković are a married couple of Serb origin. They lived in their private house in the village Lupoglavo in the Municipality Kladanj. On 6 June 1992 they were expelled from their house and taken to the detention camp Stupari. They were detained by the R BiH Territorial Defence and military police, allegedly because they had a firearm. The applicants state that the real reason for their detention was their Serb ethnic origin. They were detained between 6 June 1992 and 21 July 1993 in the detention camp. They report that they were subjected to torture and they were beaten by the camp's guards. They state that their personal things (gold and money) were taken away from them.
3. The applicants complain that their right to a fair trial and efficient legal remedies has been violated; that they were subjected to physical maltreatment, humiliation and torture; and that they were discriminated against on the basis of their national origin and religious beliefs. Consequently, they have suffered physical and mental harm, and they request compensation for this non-pecuniary damage.

II. OPINION OF THE CHAMBER

4. 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."
5. 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 applications are 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.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel