



DECISION ON ADMISSIBILITY

Case no. CH/98/1212

Petar DEVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 5 November 1999 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. 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 a citizen of Bosnia and Herzegovina resident in Teslić, Republika Srpska. On 11 April 1995 the applicant and his father were involved in a fight with a neighbour of theirs. The neighbour suffered serious injuries and died soon afterwards. On 17 April 1995 the Municipal Court in Teslić found the applicant guilty of the criminal offence of causing serious injury resulting in death. He was sentenced to six years' imprisonment. Both the applicant and the prosecution appealed against this decision. On 14 December 1995 the Regional Court in Dobož gave its decision on the appeals. It reduced the applicant's sentence of imprisonment to four years and six months and rejected the appeal of the prosecution. The applicant has sought to avail himself of a number of extraordinary remedies, including applying to the Supreme Court and the Public Prosecutor of the Republika Srpska. These applications were unsuccessful.

2. On 1 January 1999 the applicant was released from prison on conditional discharge. This discharge was to last until 26 October 1999, the date of expiry of his sentence. The applicant is currently out of prison and his sentence has expired.

II. COMPLAINTS

3. The applicant does not make any specific allegations of violations of his rights as protected by the Agreement. He complains in a general manner of the proceedings against him and of his treatment while in detention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 8 October 1998 and registered on the same day. On 10 September 1999 the Chamber considered the admissibility of the case and on 5 November 1999 it adopted the present decision.

IV. OPINION OF THE CHAMBER

5. Before considering the merits of the case the Chamber must decide whether to accept the case, 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 manifestly ill-founded.

6. The Chamber notes that the applicant was convicted of the criminal offence of causing serious injury resulting in death. On appeal to the Regional Court in Dobož his sentence was reduced. The applicant has not provided any evidence to the Chamber which tends to show that the criminal proceedings against him were not conducted in accordance with the Agreement. A mere allegation that criminal proceedings were unfair, without any substantiation, is insufficient to warrant a finding of a violation of an applicant's rights under the Agreement.

7. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

V. CONCLUSION

8. 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