



DECISION ON ADMISSIBILITY

Case no. CH/99/1810

Slavko VIDOVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 May 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir 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. On 4 March 1996 the Military Court in Bijeljina sentenced him to seven years imprisonment for murdering another person. The court's decision examines the circumstances of the accident in detail. On appeal by the applicant his conviction was upheld by the Supreme Military Court in Zvornik on 8 April 1997.

2. The applicant also requested a review of his conviction in separate proceedings. It is unknown to the Chamber when this request was lodged and if there has been any decision delivered.

II. COMPLAINT

3. The applicant complains that his right to a fair trial was violated before the Military Court. He claims that the court refused to admit certain witness evidence.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 12 January 1999 and registered on the same day.

IV. OPINION OF THE CHAMBER

5. Before considering the merits of the application 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 manifestly ill-founded.

6. The Chamber notes that in the present case the applicant complains about the conduct of his trial before the Military Court.

7. The Chamber recalls that the right of an accused person to examine witnesses falls within the scope of Article 6 paragraph 3(d) of the European Convention on Human Rights. This provision does not afford an absolute right of the accused to have examined each witness proposed by him. Its essential aim is the achievement of equality of arms in the proceedings. It is first and foremost for the national courts to decide upon the questions of admission and evaluation of evidence. They are left a certain margin to decide upon the relevance of proposed evidence, insofar as this is compatible with the concept of a fair trial (case no. CH/99/2481, *Bencuz*, decision on admissibility of 8 February 2000). The Chamber finds that the present case does not appear to raise a question of unfairness, as the domestic court appears to have made a reasonable assessment as to what evidence to accept.

8. Accordingly, the Chamber decides not to accept the application, finding it 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