



DECISION ON ADMISSIBILITY

Case no. CH/99/2283

Tatjana ĐURIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 5 September 2000 with the following members present:

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

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 from Tuzla. On 3 December 1994, when the applicant and her husband were driving in a car near Tuzla, another car coming from the opposite direction, driven by G.B., crashed into them. The applicant suffered severe injuries and her husband died thereafter.

2. On 14 February 1997 the Municipal Court in Tuzla found G.B. guilty of reckless driving and sentenced him to 10 months of imprisonment. However, his sentence was suspended and he was put on probation for three years. Upon an appeal of the competent prosecutor, the Cantonal Court in Tuzla on 22 December 1997 quashed the first instance judgment and returned the case to that court for reconsideration. On 8 September 1998 the Municipal Court issued a new judgment, by which G.B. was sentenced to 12 months of imprisonment which was suspended for a period of two years on probation.

II. COMPLAINT

3. The applicant alleges a violation of her right to a fair trial due to the length of G.B.'s sentence. She expresses dissatisfaction with the criminal proceedings against G.B., especially with his "incredibly low sentence" and states that "the court has rewarded him" for the criminal act committed.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 2 June 1999 and registered on 4 June 1999.

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 incompatible with the Agreement.

6. The Chamber notes that the applicant's complaint essentially concerns the sentencing of G.B., that is to say the application of domestic criminal law and procedure. The applicant has not claimed that the proceedings in G.B.'s case or his sentencing were contrary to the law, but rather alleged that it was inappropriate and unjust. However, there is no provision in the Agreement that would confer any right on the applicant concerning the sentencing of G.B. by the courts.

7. Accordingly, the Chamber decides not to accept the application, it being incompatible with the Agreement *ratione materiae* 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)
Michèle PICARD
President of the First Panel