



DECISION ON ADMISSIBILITY

Case no. CH/01/7956

Redžo BALIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 7 June 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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)(a) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. The application was introduced on 5 October 2001. Prior to the registration, the Chamber received a letter from the applicant, which it registered as a provisional case on 17 September 2001.
2. The applicant served as a member of the Army of the Republic of Bosnia and Herzegovina (the "Army"). He was convicted for having committed a criminal offence during the armed conflict, *i.e.*, committing the murder of four persons and causing grievous bodily injury to a fifth person (four women and one man, all of non-Bosniak origin). The criminal act was committed with premeditation on 14 July 1992 and revealed on 2 February 1994 to the competent court. The applicant was sentenced to imprisonment for six years by a judgment of the Cantonal Military Court in Mostar, the Konjic Department (the "Military Court") of 29 June 1996. Additionally, the security measure of mandatory medical treatment for alcoholics and drug addicts was imposed upon the applicant for two years.
3. The judgment was appealed to the Supreme Court of the Federation of Bosnia and Herzegovina (the "Supreme Court") by the applicant and by the Mostar Higher Public Prosecutor (Viši javni tužilj iz Mostara). By a judgment of the Supreme Court issued at its session of 24 September 1997, the applicant's appeal was refused. In deciding upon the Prosecutor's appeal, the Supreme Court had revised the length of the Military Court sentence and ordered the applicant to serve a sentence of twelve years imprisonment for the offence he committed on 14 July 1992.
4. The applicant alleged that a great number of other persons were convicted before the Military Court in 1992-1993, but he was not convicted until 1996, although he had admitted his guilt in July 1992 and in January 1994. The applicant stated that he was not convicted earlier due to inefficiency of the Military Court. Accordingly, he claimed his right to life and right to a fair trial had been violated, and he suffered pecuniary and non-pecuniary damage.

II. OPINION OF THE CHAMBER

5. 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: "(a) ... that the application has been filed with the Commission within six months from such date on which the final decision was taken."
6. The Chamber notes that the application was lodged on 5 October 2001. It finds that the final decision for the purposes of Article VIII(2)(a) of the Agreement, was issued by the Supreme Court of the Federation of Bosnia and Herzegovina in Sarajevo on 24 September 1997. This date is more than six months before the date on which the application was filed with the Chamber. Accordingly, the application does not comply with the requirements of Article VIII(2)(a) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENK-MAVI
Acting President of the Second Panel