



## **DECISION ON ADMISSIBILITY**

**Case no. CH/02/12018**

**Izet BEGANOVIĆ**

**against**

**THE REPUBLIKA SRPSKA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 4 February 2003 with the following members present

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

Mr. Ulrich GARMS, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar  
Ms. Antonia DE MEO, 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 application was introduced on 7 August 2002. The applicant requested that the Chamber order the respondent Party, as a provisional measure, to suspend the execution of a procedural decision issued by the District Court in Srpsko Sarajevo on 17 June 2002. On 2 December 2002, the Chamber decided not to order the provisional measure requested.

2. The applicant complains of a 17 June 2002 procedural decision of the District Court in Srpsko Sarajevo, confirming a procedural decision of the first instance court by which he was found guilty of the offence of causing an automobile accident with material damage and fined KM 400.00. The applicant alleges a violation of his right to equality before the law because he believes police officers of the Republika Srpska gave biased testimony against him. The applicant requests that the Srpsko Sarajevo District Court decision be annulled, and he requests compensation in the amounts of KM 6000.00 for pecuniary damages, KM 2000.00 for non-pecuniary damages, and KM 2000.00 for expenses incurred in the proceedings.

## **II. OPINION OF THE CHAMBER**

3. 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.”

4. The Chamber notes that the applicant complains that the courts wrongly assessed the facts pertaining to his case. Article 6 of the Convention guarantees the right to a fair hearing. However, the Chamber has stated on several occasions that it has no general competence to substitute its own assessment of the facts for that of the national courts (*see, e.g.*, case no. CH/99/2565, *Banović*, decision on admissibility of 8 December 1999, paragraph 11, Decisions August-December 1999, and case no. CH/00/4128, *DD “Trgosirovina” Sarajevo (DDT)*, decision on admissibility of 6 September 2000, paragraph 13, Decisions July-December 2000). There is no evidence that the court failed to act fairly as required by Article 6 of the Convention. It follows that the application is manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare the application inadmissible.

## **III. CONCLUSION**

5. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Mato TADIĆ  
President of the Second Panel