



DECISION ON ADMISSIBILITY

Case no. CH/00 /6104

Uroš TODORVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 May 2003 with the following members present:

Mr. Jakob MÖLLER, Acting President
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)(a) and 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 8 September 2000.
2. On 13 August 1996, the First Instance Court in Doboj issued a judgment convicting the applicant for the criminal act of violent behaviour. He was also sentenced to 3 months in prison for insulting the judge. The applicant lodged an appeal against this judgment. On 26 December 1996, the District Court in Doboj issued a decision rejecting the applicant's appeal and confirming the first instance decision. The applicant lodged another appeal. On 26 August 1997, the Supreme Court of the Republika Srpska in Pale issued a decision rejecting the applicant's appeal and confirming the first instance decision.
3. The applicant complains against the judgment of 13 August 1996 by the First instance Court in Doboj because he claims the procedures in his trial were irregular and the judge subjectively decided his case. He further claims that the judge incorrectly established the facts as the applicant did not insult the judge. Also, the applicant complains that the District Court in Doboj violated his right to defence and to a fair trial by rejecting his request for review of the criminal proceedings and for the presentation of new evidence.

II. OPINION OF THE CHAMBER

4. 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."; and "(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".
5. The Chamber notes that the application was lodged on 8 September 2000. However, 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 Republika Srpska on 26 August 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.
6. In addition, the Chamber notes that the applicant complains that the First instance Court and the District Court 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 and application of the law 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 courts failed to act fairly as required by Article 6 of the Convention. It follows that this the application is also manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement. The Chamber therefore decides to declare the application inadmissible on this ground as well.

III. CONCLUSION

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Mr. Jakob MÖLLER
Acting President of the Second Panel