



DECISION ON ADMISSIBILITY

Case no. CH/00/3589

Fehim BEŠO

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 June 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. 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 Kruščica. On 10 March 1999 he attacked his brother in an angry exchange of views and injured him seriously. The applicant's brother died thereafter in hospital on 18 March 1999.

2. On 27 July 1999 the Municipal Court in Vitez found the applicant guilty of causing injuries resulting in death and sentenced him to eight years of imprisonment. The applicant's appeal against the judgment was rejected on 24 November 1999 by the Cantonal Court in Travnik.

II. COMPLAINT

3. The applicant alleges that he had acted in a fit of rage and that the courts had not "characterised the crime appropriately". The applicant concludes that his trial was unfair, asking that the criminal proceedings leading to his conviction be reopened.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 25 January 2000 and registered on 31 January 2000.

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 manifestly ill-founded.

6. The Chamber notes that the applicant was convicted of the criminal offence of causing serious injuries resulting in death. The applicant has not presented any evidence to the Chamber which would show that the criminal proceedings against him were not conducted in accordance with the Agreement. Moreover, the Chamber cannot re-assess the legal classification made by the domestic courts in the course of the criminal proceedings.

7. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded 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