



DECISION ON ADMISSIBILITY

Case no. CH/00/3674

Drago DERAJIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 13 May 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitimir POPOVIĆ
Mr. Mato TADIĆ

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. On 15 February 1999 the applicant was given a suspended sentence by the First Instance Court in Banja Luka for causing a traffic accident with serious consequences. On 26 November 1999 the Regional Court in Banja Luka upheld the above decision.

II. COMPLAINT

2. The applicant complains of a violation of his rights as protected by Article 6 of the European Convention on Human Rights.

III. PROCEEDINGS BEFORE THE CHAMBER

3. The application was introduced on 6 March 2000 and registered on the same date. The applicant requested the Chamber to order the Republika Srpska as a provisional measures to delay the enforcement of the sentence imposed on him until the Chamber's final decision. On 3 April 2000 the above request was refused by the Second Panel.

IV. OPINION OF THE CHAMBER

4. 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.

5. The Chamber notes that the applicant has not provided any evidence that there has been any violation of his rights as protected under the Agreement. In particular the applicant has not provided any evidence that the conduct of the proceedings before the courts was other than in accordance with the Agreement nor can the Chamber of its own motion find any evidence of such a violation. The Chamber, therefore, finds that the applicant's complaint is manifestly ill-founded.

6. 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

7. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel