



DECISION ON ADMISSIBILITY

Case no. CH/00/4634

Hasko HADŽIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on July 2003 with the following members present: 2

Mr. Mato TADIĆ, President
Mr. Jakob MÖLLER, Vice-President
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
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) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The application was introduced on 12 April 2000.
2. On 4 February 1997, the Municipal Court for Minor Offences in Mostar (the "Municipal Court") issued a decision establishing that on 12 December 1996, at 9:45 p.m., the applicant was driving through Mostar in a vehicle with worn out tires and insufficient rubber tread. The Municipal Court found that the applicant had violated Article 226 paragraph 1 sub-paragraph 32 of the Law on Basic Safety Regulations for Traffic on Roads. A fine of 10,000 Dinars was imposed on him. The decision cautioned the applicant that if he did not pay the fine, it would be altered to 12 days of imprisonment.
3. The applicant did not pay the fine. On 4 March 1998, the Municipal Court changed its decision of 4 February 1997 and imposed a term of imprisonment of twelve days on the applicant. On 9 October 1998, the Municipal Court rejected the applicant's appeal against the decision of 4 March 1998 as out of time. On 3 December 1998, the Higher Court for Minor Offences in Mostar confirmed the decision of the Municipal Court of 9 October 1998.

II. COMPLAINTS

4. The applicant alleges that he did not receive a fair trial as guaranteed by Article 6 of the European Convention on Human Rights.

III. 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 12 April 2000. It finds that the final decision for the purposes of Article VIII(2)(a) of the Agreement, was issued by the Higher Court for Minor Offences in Mostar on 3 December 1998. 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.

IV. CONCLUSION

7. 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