



DECISION ON ADMISSIBILITY

CASE No. CH/01/6941

Edin ĐOZO

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 May 2001 with the following members present:

Ms. Michèle PICARD, President
Mr. Dietrich RAUSCHNING, Vice-President
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Miodrag PAJIĆ
Mr. Andrew GROTRIAN

Mr. Peter KEMPEES, 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)(a) and (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 2 March 2001. The applicant who is detained after having been convicted the of murder of two persons, requested that the Chamber order a provisional measure to release him from detention. On 9 May the Chamber decided not to order the provisional measure requested.

2. The applicant complains that the domestic courts, in the criminal proceedings which led to his conviction, gave unlawful judgments in which facts were erroneously established.

II. OPINION OF THE CHAMBER

3. The Chamber notes that the subject matter of the dispute has been decided upon by the courts of the Federation of Bosnia and Herzegovina, culminating in the decision of the Supreme Court of 5 September 2000. The Chamber finds no evidence to indicate that the domestic criminal proceedings against the applicant were not conducted in accordance with the relevant legal provisions, or that the judgments given by the domestic courts were unreasonable or arbitrary. The Chamber further points out that it is not normally its task to review findings of fact made by domestic courts. In the light of all the material in its possession, the Chamber finds that the application does not disclose any appearance of a violation of the rights and freedoms guaranteed under the Agreement. It follows that the application must be rejected as manifestly ill-founded, in accordance with Article VIII(2)(c) of the Agreement.

III. CONCLUSION

4. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Second Panel