



DECISION ON ADMISSIBILITY

Case no. CH/01/8461

Hasan LJUBIJANKIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 9 April 2002 with the following members present:

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

Mr. Ulrich GARMS, 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) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. On 1 November 2001 the applicant wrote a letter to the Chamber outlining his complaint. On 20 November 2001 he submitted the application form and additional documents to the Chamber.
2. On 15 November 1992 the applicant shot and seriously wounded a third person. On 13 July 1993 the Higher Court in Bihać issued a judgement in the case acquitting the applicant because he acted in self-defence. On 7 December 1993 the Supreme Court of the Republic of Bosnia and Herzegovina annulled the decision of the Higher Court in Bihać of 13 July 1993 and returned the case to the Higher Court in Bihać for a renewal of the trial. On 10 March 1997 the Cantonal Court in Bihać passed a second judgement in the case, this time finding the applicant guilty of attempted murder and sentencing him to one year of imprisonment. Upon the appeal of the applicant the Supreme Court on 26 January 1999 upheld the judgement of the Cantonal Court in Bihać. The applicant received the decision of the Supreme Court on 18 December 1999.
3. The applicant complains about a violation of his right as protected by Article 4 of Protocol No. 7 to the European Convention of Human Rights (“the Convention”) not to be tried twice for the same crime.

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.”
5. The Chamber notes that the application was lodged on 1 November 2001 with the applicant’s letter outlining his complaint. 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 Federation of Bosnia and Herzegovina on 26 January 1999 and delivered to the applicant on 18 December 1999. 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.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel