



DECISION ON ADMISSIBILITY

Case no. CH/02/8644

Amir MEŠANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 11 October 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

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)(c) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The applicant, who was born on 25 November 1973, committed the crime of aggravated theft at the age of 19. At the age of 20, the applicant committed murder.
2. On 6 July 1994, the Regional Military Court in Tuzla declared the applicant guilty of the abovementioned murder and aggravated theft and sentenced him to compound punishment of imprisonment for 20 years.
3. On 18 August 1995, the Supreme Court of the Republic of Bosnia and Herzegovina confirmed the decision of the Regional Military Court.
4. On 23 October 2001, the Cantonal Court in Tuzla rejected a request of the applicant for renewal of the criminal proceedings.

II. COMPLAINTS

5. The application was introduced on 3 January 2002. The applicant complains that under the Criminal Code of the Federation of Bosnia and Herzegovina a person who commits crimes while being under the age of 21 cannot be sentenced to imprisonment for more than 15 years. Since the Supreme Court confirmed the sentence in duration of 20 years imposed by the Regional Military Court in Tuzla, the courts have violated the Criminal Code of the Federation of Bosnia and Herzegovina. According to the applicant, the respondent Party has thereby violated his rights under Article 6 of the Convention of Human Rights and Fundamental Freedoms. The applicant claims compensation for legal expenses and costs for legal support.

III. OPINION OF THE CHAMBER

6. 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: ... (c) The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition.”

7. Because the applicant’s complaints are directed against the decision of the Supreme Court of 18 August 1995, the Chamber finds that the facts complained of relate to a period prior to 14 December 1995, which is the date on which the Agreement entered into force. The Agreement, however, only governs facts subsequent to its entry into force. It follows that the application is incompatible *ratione temporis* with the provisions of the Agreement within the meaning of Article VIII(2)(c). The Chamber therefore decides to declare the application inadmissible.

8. Because compensation will only be granted if the Chamber finds a violation, the applicant’s claim for compensation will not be taken in consideration.

V. CONCLUSION

9. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel