



DECISION ON ADMISSIBILITY

Case no. CH/99/1559

Mugdim MUSIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 11 May 2000 with the following members present:

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

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 applicant is a political scientist living in Zenica. Between 28 December 1995 and 16 February 1996 he bought a large number of technical products such as television sets and stereos from a warehouse in Vitez. On 16 February 1996 the police in Vitez confiscated those goods under the suspicion that their acquisition constituted an offence under the applicable customs laws.

2. On 17 May 1996 the Customs Administration of the Federation of Bosnia and Herzegovina in Zenica fined the applicant 63,028 Dinars for having purchased items for which tax had not been paid. The applicant appealed against this decision to the Federal Petty Offences Board, the competent second instance body. On 26 December 1996 it rejected the appeal in a decision that was final and binding. The applicant's request for legal protection was rejected by the same authority on 12 March 1998.

II. COMPLAINT

3. The applicant alleges a violation to his right to property. He furthermore asserts that the Petty Offence Board was not acting impartially when examining his case and that he was deprived of the right to have a defense lawyer. The application appears to raise issues under Article 6 of the European Convention on Human Rights and under Article 1 of Protocol No. 1 of the Convention.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 10 February 1999 and registered on the same day.

IV. OPINION OF THE CHAMBER

5. 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)(a), the Chamber must consider whether the application has been filed with the Chamber within six months from the date of the final decision taken in the applicant's case.

6. The Chamber notes that the applicant has introduced the present application almost eleven months after the request for legal protection was rejected by the Federal Petty Offences Board, and more than 25 months after the final decision in his case was made. Thus, the application has not been filed within the time-limit prescribed in Article VIII(2)(a) of the Agreement.

7. Accordingly, the Chamber decides not to accept the application pursuant to Article VIII(2)(a) of the Agreement, as it has not been introduced within six months from the date of the final domestic decision.

V. CONCLUSION

8. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

(signed)
Anders MÅNSSON
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel