



DECISION ON ADMISSIBILITY

Case no. CH/99/1949

Rajko MILEŠEVIĆ

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 8 February 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

Mr. Anders MÅNSSON, 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 is a citizen of Bosnia and Herzegovina. In 1980 the applicant was recognised as an invalid with 70 per cent disability and permanently unable to perform military service. Nevertheless, in 1994 the Ministry of Defence of the Republika Srpska declared him fit for military services. As a consequence, the applicant spent almost two years in the military of Republika Srpska. In 1996 his military unit stated that his health situation had deteriorated.

2. In January 1999 the applicant submitted a request for compensation to the Military Attorney's Office in Banja Luka. However, he did not receive any answer regarding his request. On 18 May 1999 he initiated proceedings in this matter before the Court of First Instance in Banja Luka. These proceedings are still pending.

II. COMPLAINT

3. The applicant complains that his right to an effective remedy under Article 13 of the European Convention on Human Rights has been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 14 June 1999 and registered on the same date.

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. Accordingly to Article VIII(2)(c) the Chamber shall dismiss any application which it considers manifestly ill-founded.

6. Article 13 of the Convention guarantees the right to an effective remedy in relation to alleged violations of other rights protected by the Convention. The Chamber notes that the applicant has not alleged a violation of such other rights and Article 13 is, therefore, inapplicable. However, his complaint could be construed as being directed against the effectiveness of the court proceedings initiated by him and could, therefore, raise an issue under Article 6 of the Convention which guarantees the right to a fair trial in the determination of civil rights and obligations. It is open to question if the applicant's proceedings are concerning civil rights and obligations. However, even if Article 6 is applicable there is no evidence that the relevant proceedings have so far been conducted in an unfair manner or that they would not be effective. Accordingly, the Chamber finds that the applicant's complaint is manifestly ill-founded.

7. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

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