



DECISION ON ADMISSIBILITY

CASE No. CH/99/2184, 2185 and 2201

Mirko MRAOVIĆ, Dragan GALUSIĆ and Goran TEODOROVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 8 September 2001 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Manfred NOWAK

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. INTRODUCTION

1. The applicants, all citizens of the Republic of Croatia, are professional drivers. On 3 October 1998, while driving within Bosnia and Herzegovina, they were arrested on suspicion of customs violations. An investigation into their conduct was started on 6 October 1998. During the investigation the applicants were held in detention. On 5 December 1998 they were indicted by the Municipal Prosecutor's Office II in Sarajevo, and on 18 December 1998 the Municipal Court II in Sarajevo issued a decision convicting all three applicants to prison sentences between nine and ten months.

2. The applicants lodged appeals against the above-mentioned decision, and on 20 May 1999 the Cantonal Court in Sarajevo issued a decision rejecting the appeals and upholding the decision of the Municipal Court insofar as is relevant in the matter pending before the Chamber. In this decision the Cantonal Court ordered the applicants to be released.

3. The applicants complain that their rights to a fair hearing and investigation have been violated, because – in short – they believed the facts of the case had been wrongly established, the Criminal Code had been applied incorrectly and the imprisonment to which they were sentenced was too long.

II. OPINION OF THE CHAMBER

4. In accordance with Article VIII(2) of the Agreement, "the Chamber shall decide which applications to accept ... and 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."

5. The Cantonal Court issued its decision on 20 May 1999, five months after the decision of the Municipal Court was issued. In its decision the Cantonal Court gave elaborate, comprehensive reasoning as to the issues raised by the applicants. The applicants have not further substantiated their claims, and the Chamber finds no appearance of a violation of the right to a fair trial or any other rights and freedoms guaranteed under the Agreement. The Chamber therefore finds the applications manifestly ill-founded and decides to declare them inadmissible.

III. CONCLUSION

6. For these reasons, the Chamber, unanimously,

DECLARES THE APPLICATIONS INADMISSIBLE.

(signed)
Ulrich Garms
Registrar of the Chamber

(signed)
Giovanni GRASSO
President of the Second Panel