



DECISION ON ADMISSIBILITY

Case no. CH/99/3286

Senad ROŽAJAC

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 April 2000 with the following members present:

Mr. Giovanni GRASSO, President
Mr. Viktor MASENKO-MAVI, Vice-President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitimir POPOVIĆ
Mr. Mato TADIĆ

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, a citizen of Bosnia and Herzegovina, was convicted to five years of imprisonment by the Cantonal Court in Sarajevo on 28 September 1998 for the murder of a policeman committed on 31 August 1992. He appealed against the judgment to the Supreme Court of the Federation which rejected the appeal on 10 June 1999. On 29 October 1999 the applicant requested the Cantonal Court to renew the criminal proceedings against him on the ground that conclusions provided by court experts were not taken duly into account.

2. The applicant states that he was detained on 1 September 1992 until 8 July 1993 and again on 2 February 1998. In the meantime, he was serving in the Army of the Republic of Bosnia and Herzegovina.

II. COMPLAINTS

3. The applicant complains that the Cantonal Court based its judgment of 28 September 1998 on testimony of witnesses that allegedly was refuted by two court experts. He asserts that his right to a fair trial, as contained in Article 6 paragraph 1 of the Convention, has been violated.

III. PROCEEDINGS BEFORE THE CHAMBER

4. The application was introduced on 3 December 1999 and registered on 6 December 1999.

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)(c), the Chamber shall dismiss any application which it considers manifestly ill-founded.

6. As regards the proceedings before the domestic courts, the Chamber cannot find any indication that would support the applicant's allegations of an unfair trial within the scope of Article 6 paragraph 1 of the Convention. In particular, the Chamber cannot re-assess evidence brought forward in the course of the criminal proceedings.

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)
Giovanni GRASSO
President of the Second Panel