



## **DECISION ON REQUEST FOR REVIEW**

**Case no. CH/98/1239**

**Milorad DRAGIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 7 June 2001 with the following members present:

Ms. Michèle PICARD, President  
Mr. Giovanni GRASSO, Vice-President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
Mr. Rona AYBAY  
Mr. Želimir JUKA  
Mr. Jakob MÖLLER  
Mr. Mehmed DEKOVIĆ  
Mr. Manfred NOWAK  
Mr. Miodrag PAJIĆ  
Mr. Vitomir POPOVIĆ  
Mr. Viktor MASENKO-MAVI  
Mr. Andrew GROTRIAN  
Mr. Mato TADIĆ

Mr. Peter KEMPEES, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the applicant's request for review of the decision of the First Panel of the Chamber on the admissibility of the aforementioned case;

Having considered the Second Panel's recommendation;

Adopts the following decision pursuant to Article X(2) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina as well as Rules 63-66 of the Chamber's Rules of Procedure:

**I. FACTS AND COMPLAINTS**

1. The Chamber refers to the decision of the First Panel, declaring the application inadmissible as manifestly ill-founded. The decision of the First Panel is appended to the present decision (Annex 1).

**II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER**

2. On 13 and 23 August 1999 the First Panel's decision was communicated to the parties in pursuance of Rule 52. On 15 September 1999 the applicant submitted a request for a review of the decision.

3. In accordance with Rule 64(1) the request was considered by the Second Panel.

**III. THE REQUEST FOR REVIEW**

4. The Chamber refers to the request for review, which is appended to the present decision (Annex 2).

**IV. OPINION OF THE SECOND PANEL**

5. The Second Panel notes that the party seeking review, being the applicant in the proceedings which led to the original decision, argues that his allegations were misunderstood by the Chamber. However, the Chamber notes that the applicant does not point to any relevant fact which could lead to a substantially different decision. Moreover, the request for review involves neither a serious question affecting the interpretation or application of the Agreement nor a serious issue of general importance. Nor can it be said that the whole circumstances justify reviewing the original decision. That being so the Second Panel, by votes 4 to 3, recommends that the plenary Chamber not accept the request.

**V. OPINION OF THE PLENARY CHAMBER**

6. The plenary Chamber agrees with the Second Panel that, for the reasons stated, the request for review does not meet the two conditions required for the Chamber to accept such a request pursuant to Rule 64(2).

**VI. CONCLUSION**

7. For these reasons, the Chamber, by 11 votes to 3,

**REJECTS THE REQUEST FOR REVIEW.**

(signed)  
Peter KEMPEES  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the Chamber