



DECISION ON REQUEST FOR REVIEW

Case no. CH/00/3933

Srpska Radikalna Stranka

against

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, which is appended to the present decision (Annex 1).

II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

2. On 19 April 2001 the First Panel's decision was communicated to the parties in pursuance of Rule 52. On 4 May 2001 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 the First Panel failed to take into account the significance, manner and gravity of the human rights violation alleged; that the First Panel ignored the far-reaching effect in the domestic legal order of the decisions of the Provisional Election Commission; and that the Chamber is the only forum capable of redressing violations of human rights committed by the Provisional Election Commission. The Second Panel, however, is of the opinion that the original decision is in accordance with the case-law of the Plenary Chamber (cases nos. CH/98/230 and 231, Suljanović and Čišić and Lelić, decision on admissibility of 14 May 1998, Decisions and Reports 1998) and is based on adequate grounds. It notes in addition that a legal remedy was available before the Election Appeals Sub-Commission and that the applicant actually availed itself on that remedy.

6. The Second Panel is accordingly of the opinion that, in the present case, 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, unanimously recommends that the plenary Chamber not accept the request.

V. OPINION OF THE PLENARY CHAMBER

7. 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

8. For these reasons, the Chamber, unanimously,

REJECTS THE REQUEST FOR REVIEW.

(signed)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber