



DECISION ON REQUEST FOR REVIEW

CASE No. CH/00/6326

Sabina ŠABANOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 6 July 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 JUŠKA
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 a review of the decision of the Second Panel of the Chamber on the admissibility of the aforementioned case;

Having considered the First 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 Second Panel, which is appended to the present decision (Annex 1).

II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

2. On 4 January 2001 the applicant lodged what she termed a “request for review” directed against the rejection of a request she had made for a provisional measure (Annex 2). On 26 January 2001 the Second Panel’s decision on admissibility was communicated to the parties in pursuance to Rule 52 of the Chamber’s Rules of Procedure. On 12 February 2001 the applicant lodged a request for review directed against the latter decision (Annex 3). On 16 March 2001 the applicant requested urgency in deciding her case.

3. In accordance with Rule 64(1) the First Panel considered the request.

III. THE REQUEST FOR REVIEW

4. The Chamber refers to the requests for review, which are appended to the present decision (Annex 2 and 3).

IV. OPINION OF THE FIRST PANEL

5. The First Panel notes that the party seeking review, being the applicant in the proceedings which led to the original decision, disagrees with the rejection of her request for a provisional measure and with the reasoning on which the original decision is based. She states that the application was directed against the Commission for Real Property Claims of Displaced Persons and Refugees (“CRPC”) as respondent Party and seeks the annulment of a CRPC decision which affects her interests. She claims that the person in whose favour the CRPC decision was given, the pre-war occupancy right holder over the apartment in question, was not a displaced person or a refugee but lived, throughout the war, in her own house in Tuzla and that the apartment in question was occupied by a sub-tenant.

6. The First Panel notes that the applicant’s complaints do not concern an interference with her rights under the Agreement by the authorities of any of the signatories to the Agreement, the CRPC not being capable of engaging the responsibility under the Agreement of any of the signatories. The First Panel finds that the applicant’s request for review is incompatible *ratione personae* with the provisions of Article VIII (2)(c) of the Agreement. That being so, the First Panel is of the opinion that the case neither involves a serious issue affecting neither the interpretation of the Agreement nor an issue of general importance. Moreover, it cannot be said that the whole circumstances justify reviewing the original Decision. As the request for review does not meet both the conditions set out in Rule 64(2), the First Panel unanimously recommends that the plenary Chamber not accept the request.

V. OPINION OF THE PLENARY CHAMBER

7. The plenary Chamber agrees with the First 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