



## **DECISION ON REQUEST FOR REVIEW**

**CASE No. CH/00/6258**

**Nedo BABIĆ**

**against**

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 11 October 2001 with the following members present:

Ms. Michèle PICARD, 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. Ulrich GARMS, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the respondent Party's request for a review of the decision of the Second Panel of the Chamber on the admissibility and merits 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 found the respondent Party (Federation of Bosnia and Herzegovina) to be in violation of Article I of the Agreement and awarded the applicant compensation for such violation. Said decision is appended to the present decision (Annex 1).

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

2. On 6 July 2001 the Second Panel's decision was delivered in pursuance of Rule 60 of the Chamber's Rules of Procedure. On 16 August 2001 the respondent Party (Federation of Bosnia and Herzegovina) submitted a request for review of the decision.

3. In accordance with Rule 64(1) the request for review was considered by the First 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 FIRST PANEL**

5. The First Panel notes that the Rule 63 paragraph (3)(a) provides as follows:

"Any such request for review shall be submitted:

a) if directed against a decision read out at a public hearing in pursuance of Rule 60, paragraph 2: within one month starting on the day following that on which the Panel's reasoned decision was so read out".

6. The First Panel notes that the request for review has not been lodged within one month from the date of communication of the Second Panel's decision. Furthermore, the First Panel notes that the Chamber has no discretion to decide to extend time limit provided for submission of such request. As the request therefore does not meet the condition set out in Rule 63(3)(a), the First Panel unanimously, recommends that the request be rejected.

**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 condition required for the Chamber to accept such a request pursuant to Rule 63(3)(a). In addition, the Chamber stresses that by virtue of the Article 66 of the Chambers Rules of Procedure, the decision of the Second Panel became final and binding on 7 August 2001.

**VI. CONCLUSION**

8. For these reasons, the Chamber, unanimously,

**REJECTS THE REQUEST FOR REVIEW.**

(signed)  
Ulrich GARMS  
Registrar of the Chamber

(signed)  
Michèle PICARD  
President of the Chamber