



DECISION ON REQUEST FOR REVIEW

Case No. CH/99/1935

Slobodan DAVIDOVIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

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 applicant's request for a 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 by which the application was declared inadmissible and which is appended to the present decision (Annex 1).

II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

2. On 3 May 2001 the First Panel's decision was communicated to the parties in pursuance of Rule 52. On 4 June 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. According to Rule 64(2), the request for review should not be accepted, unless the Chamber considers (a) that the case raises a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance and, (b) that the whole circumstances justify reviewing the decision.

6. The applicant claims that from 28 January 1996 to 28 May 1999 he was undergoing intensive medical treatment. Consequently, he was not able to submit his claim to the Chamber within the time limit set out in Article VIII(2)(a) of the Agreement.

7. Although the Second Panel disagrees with the reasoning of the First Panel in paragraph 6 of the decision on admissibility, it nevertheless finds that the applicant did not comply with the six-month rule. Considering this and the fact that the applicant does not raise any other issues in his request for review, the Second Panel is of the opinion that the case raises no serious question affecting the interpretation or application of the Agreement or a serious issue of general importance. Consequently, as the request for review does not meet the first of the two conditions set out in Rule 64(2), the Second Panel unanimously recommends that it be rejected.

V. OPINION OF THE PLENARY CHAMBER

8. The plenary Chamber agrees with the Second Panel that 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

9. 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