



DECISION ON REQUEST FOR REVIEW

Case no. CH/97/76

Irfan SOFTIĆ

against

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

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 7 December 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. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the respondent Party's request for a review of the decision of the Plenary Chamber on the admissibility and merits of the aforementioned case;

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. In its decision on admissibility and merits of 8 October 2001 the plenary Chamber found that Bosnia and Herzegovina had violated the applicant's right to peaceful enjoyment of his possessions within the meaning of Article 1 of Protocol No. 1 to the Convention on Human Rights. Bosnia and Herzegovina was ordered to pay the applicant, no later than 12 November 2001, KM 9,800 as compensation plus simple interest from that date until settlement in full.

II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

2. On 12 October 2001 the plenary Chamber's decision was delivered in pursuance of Rule 60 of the Chamber's Rules of Procedures. On 8 November 2001 Bosnia and Herzegovina submitted a request for a review of the decision. It argues that the Chamber erroneously assessed the facts relating to the applicant's employment with the company Energoinvest and with the Ministry of Trade and Tourism of Bosnia and Herzegovina.

3. On 7 December 2001 the plenary Chamber considered the request by Bosnia and Herzegovina and adopted the present decision.

III. OPINION OF THE CHAMBER

4. Before considering the merits of the Request, the Chamber must decide whether to accept it, taking into account the relevant provisions of the Agreement and its Rules of Procedure.

5. Article X(2) of the Agreement provides for review proceedings only when an application has been decided by a Panel. Accordingly, the Chamber has already once decided that the Chamber's Rules of Procedure "only provide for a review, in certain defined circumstances, of decisions issued by a Panel" and "do not provide for any review of decisions of the plenary Chamber in any circumstances" (see case no. CH/96/21, *Čegar*, Decision on Request for Review, adopted on 15 July 1998, Decisions and Reports 1998, paragraph 22). The plenary Chamber's decisions are final and binding.

6. Finally, the Chamber notes that the decision on admissibility and merits became final and binding on the date of its delivery. The time-limits for compliance set in that decision accordingly remain unchanged.

7. For these reasons, the Chamber, unanimously,

DECIDES TO REJECT THE REQUEST FOR REVIEW.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber