



## **DECISION ON REQUEST FOR REVIEW**

### **Cases nos.**

**CH/99/2030, CH/99/2544, CH/00/4644, CH/00/4952,  
CH/00/5290, CH/00/5584, CH/00/6236, CH/00/6315, CH/00/6401,  
CH/00/6565, CH/00/6587, CH/00/6590 and CH/01/7098**

**Milka RUDIĆ, Verica SIMIĆ, Radojka NEDIMOVIĆ, Sofija TROGRLIĆ,  
Ognjen ŠEKARA, Ljubica MITRIĆ, Milan PREDOJEVIĆ, Njegoslav VUKOTIĆ,  
Cvijan MILOVAC, Danilo NEDIĆ, Velibor VUJOVIĆ, Ivica DŽAKULA and  
Radojka PETROVIĆ**

**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 March 2002 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. 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 First Panel of the Chamber on the admissibility and merits 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 AND SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER**

1. In their applications, the applicants complained of the failure of the competent authorities to execute decisions of the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), confirming their occupancy rights over apartments and ownership of houses. The applicants claimed that their rights as guaranteed by Articles 6, 8, 13 and 14 of the European Convention on Human Rights (“the Convention”) and by Article 1 of Protocol No. 1 of the Convention had been violated.

2. On 7 December 2001 the First Panel issued a decision finding that the non-enforcement of the decisions of the CRPC constituted a violation of the applicants’ right to respect for their homes, within the meaning of Article 8 of the Convention, and the applicants’ right to peaceful enjoyment of their possessions, within the meaning of Article 1 of Protocol No. 1 of the Convention. Accordingly the Chamber found that the Federation of Bosnia and Herzegovina (“the Federation”) was in breach of Article I of the Agreement and ordered it to enable the applicants to regain possession of their apartments or houses without further delay and at the latest one month after the date on which the decision becomes final and binding in accordance with Rule 66 of the Chamber’s Rules of Procedure. The Federation was further ordered to pay the applicants compensation for non-pecuniary damage in the amount of 1200 Convertible Marks (*Konvertibilnih Maraka*, “KM”) and compensation for loss of use of their homes in different amounts at a rate of 200 KM per month, starting 30 days after the filing of a request for enforcement of the CRPC decision with the competent authority. Finally, the Federation was also ordered to pay to each of the applicants 200 KM for each further month that they remain excluded from their apartments or houses as from December 2001 until the end of the month in which they are reinstated.

3. On 11 January 2002 the First Panel’s decision was delivered at a public hearing in pursuance of Rule 60(2) of the Chamber’s Rules of Procedure.

4. On 11 February 2002 the respondent Party submitted a request for review of the decision. In accordance with Rule 64(1) the request for review was considered by the Second Panel.

## **II. THE REQUEST FOR REVIEW**

5. In its request for review, the respondent Party challenges the First Panel’s decision on the following grounds

- (a) that two orders in the decision are incompatible: the First Panel order to pay the applicants 200 KM for each further month the applicants remain excluded from their apartments or houses starting from December 2001 (item IX.142.9) and the order to enable applicants’ reinstatement at the latest one month after the date on which the decision becomes final and binding (item IX.142.8);
- (b) that the First Panel did not decide to strike out six cases in which the applicants had been reinstated before the decision was delivered;
- (c) that the orders for compensation were excessive.

## **III. OPINION OF THE SECOND PANEL**

6. The Second Panel notes that the request for review has been lodged within the time limit prescribed by Rule 63(3)(a). The Second Panel recalls that under Rule 64(2) the Chamber shall not accept the request unless it 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.

7. The respondent Party has failed to give any grounds as to why the issues referred to in the request for review would raise “a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance“.

8. As the request for review fails to meet the first of the two requirements set forth in Rule 64(2), the Second Panel unanimously, recommends that the request be rejected.

**IV. OPINION OF THE PLENARY CHAMBER**

9. The plenary Chamber agrees with the Second Panel that, for the reasons stated, the request for review does not meet the first of the two conditions required for the Chamber to accept such a request pursuant to Rule 64(2).

**V. CONCLUSION**

10. 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