



DECISION ON REQUEST FOR REVIEW

Case no. CH/00/4063

Jasim BEŠIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 6 September 2002 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 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 AND SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

1. In his application, the applicant complained of the cost of representation, expertise and court taxes that he had to pay in litigation before different courts of the Federation of Bosnia and Herzegovina concerning the right of way of his neighbour through the applicant's property. He also claimed a lack of impartiality of "the court", without any further details, and alleged that his opponent had an "agreement" with this court before the decision. The applicant claimed a violation of his rights protected under Article 6 of the Convention.

2. On 10 May 2002 the First Panel issued a decision finding that the application is inadmissible as manifestly ill-founded, because the applicant has not substantiated his claim that the proceedings were unfair and the Chamber has no general competence to substitute its own assessment of the facts and application of the law for that of the national courts.

3. On 19 June 2002 the applicant received the First Panel's decision on admissibility in pursuance of Rule 52 of the Chamber's Rules of Procedure.

4. On 1 July 2002 the applicant 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 his request for review, the applicant restates his complaints as they were formulated in the application form and challenges the First Panel's decision on the ground that the decision does not "nullify unjustified procedural decisions".

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. Both conditions have to be met for the Chamber to grant the request for review.

7. The applicant has failed to give any grounds as to why the issues referred to in the request for review would raise "a serious question" and would justify reviewing the decision.

8. As the request for review obviously fails to meet 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 two conditions required for the Chamber to accept such requests pursuant to Rule 64(2).

V. CONCLUSION

10. For these reasons, the Chamber, unanimously,

REJECTS THE REQUESTS FOR REVIEW.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber