



DECISION ON REQUEST FOR REVIEW

Case no. CH/02/9425

Nadija PINJO

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 3 April 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Mato TADIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Rona AYBAY
Mr. Želimir JUKA
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Giovanni GRASSO
Mr. Miodrag PAJIĆ
Mr. Manfred NOWAK
Mr. Viktor MASENKO-MAVI
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, Deputy Registrar

Having considered the applicant's request for a review of the decision of the Second Panel of the Chamber on the admissibility 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 to 66 of the Chamber's Rules of Procedure:

I. INTRODUCTION

1. In her application, the applicant complained of the Chamber's order for a provisional measure in case no. CH/01/8578, *Mladen Đorđić against the Federation of Bosnia and Herzegovina*, suspending the scheduled eviction of Mr. Đorđić from an apartment at Prusačka no. 1 in Sarajevo. The applicant had previously obtained a decision from the Cantonal Administration for Housing Affairs, confirming her occupancy right over the apartment in question.
2. The application alleged violations of the applicant's rights protected by Articles 6, 8, and 14 of the European Convention on Human Rights and Article 1 of Protocol No. 1 to the Convention.

II. PROCEEDINGS BEFORE THE CHAMBER

3. The application was submitted on 6 March 2002. On 8 November 2002, the Second Panel adopted a decision on admissibility, concluding that the application was incompatible *ratione personae* with the provisions of the Agreement, within the meaning of Article VIII(2)(c), because actions taken by the Human Rights Chamber do not engage the responsibility of any of the signatories to the Agreement.
4. On 13 December 2002, before receiving the Chamber's decision, the applicant wrote to the Chamber, explaining that she had been reinstated into possession of the apartment at Prusačka no. 1 in Sarajevo on 4 December 2002. She requested that the Chamber continue consideration of her case because she wished to maintain her claims for compensation for pecuniary damages, including 500 KM per month for rent she paid for another apartment before her reinstatement.
5. On 16 January 2003, the applicant received the Chamber's decision. On 27 January 2003, she submitted a request for review of the decision.
6. In accordance with Rule 64(1) of the Chamber's Rules of Procedure, the request for review was considered by the First Panel on 3 March 2003. In accordance with Rule 64(2), on 3 April 2003, the plenary Chamber considered the request for review and the recommendation of the First Panel.

III. THE REQUEST FOR REVIEW

7. In the request for review, the applicant complains that the Chamber's decision in her case was rushed and is unacceptable. She requests review of all the facts of her case and her claims for damages inflicted by the Human Rights Chamber.

IV. OPINION OF THE FIRST PANEL

8. Rule 64(2) of the Chamber's Rules of Procedure provides that the plenary Chamber "shall not accept the request [for review] 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".
9. The First Panel notes that the request for review has been lodged within the time limit prescribed by Rule 63(3)(b). It is of the opinion, however, that the grounds upon which the applicant's request for review is based were in essence already examined and rejected on adequate grounds by the Second Panel when it considered the admissibility of the case. The First Panel therefore does not consider that "the whole circumstances justify reviewing the decision" as required by Rule 64(2)(b). In addition, the case does not raise "a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance" as required by Rule 64(2)(a). As the request for review does not meet either of the conditions set out in rule 64(2), the First Panel, unanimously, recommends that the request be rejected.

V. OPINION OF THE PLENARY CHAMBER

10. The plenary Chamber agrees with the First Panel that, for the reasons stated, 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

11. 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