



DECISION ON REQUEST FOR REVIEW

CASE No. CH/00/5796

Drago LUKENDA and Miroljub BEVANDA

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 7 September 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 applicants' request for 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 63-66 of the Chamber's Rules of Procedure:

I. FACTS AND COMPLAINTS

1. The Chamber refers to the decision of the Second Panel declaring the case inadmissible as manifestly ill-founded, which is appended to the present decision (Annex 1).

II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

2. The Second Panel adopted its decision on admissibility on 5 July 2001. This decision was transmitted to the parties on 18 July 2001 in pursuance of Rule 52. On 22 July 2001, the applicants submitted their request for review of the decision.

3. In accordance with Rule 64(1), the First Panel considered the request on 4 September 2001.

III. THE REQUEST FOR REVIEW

4. The Chamber refers to the applicants' request for review, which is appended to the present decision (Annex 2).

IV. OPINION OF THE FIRST PANEL

5. The First Panel notes that the request for review has been lodged within the time-limit prescribed by Rule 63(2). It is of the opinion, however, that the grounds upon which the applicants' request for review is based were in essence already considered and rejected on adequate grounds by the Second Panel when it decided 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 for review be rejected.

V. OPINION OF THE PLENARY CHAMBER

6. 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

7. 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