



DECISION ON REQUEST FOR REVIEW

CASE No. CH/00/5882

Senada ŠIŠIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 5 April 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. Peter KEMPEES, Registrar
Ms. Olga KAPIĆ, 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 63-66 of the Chamber's Rules of Procedure:

I. FACTS AND COMPLAINTS

1. The Chamber refers to the decision of the Second Panel, which is appended, to the present decision (Annex 1).

II. SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

2. On 12 December 2000 the Second Panel's decision was delivered in pursuance of Rule 52 in conjunction with Rule 60(3). On 1 January 2001 the applicant submitted a request for a review of the decision ("Objection to the decision") and a second request for a provisional measure. The applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary action to prevent her eviction from the apartment in Zenica, ul. Armije BiH 22. On 5 January 2001 the Chamber decided not to order provisional measure requested. On 16 January 2001 the Applicant submitted a letter to the Chamber stating that she had been evicted on 8 January 2001 and requesting urgency in deciding her case.

3. In accordance with Rule 64(1) the request was considered by the First Panel.

III. THE REQUEST FOR REVIEW

4. The Chamber refers to the 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 party seeking review, being the applicant in the proceedings which led to the original decision, disagrees with the refusal of an order for provisional measures and with the reasoning of the decision. She argues that she did not request the Chamber to deprive the pre-war occupant of his apartment and complained of an interference with her right to alternative accommodation. The First Panel refers to the Chamber's well-established case-law according to which there is no protected right to alternative accommodation under the European Convention for the Protection of Human Rights and Fundamental Freedoms. That being so, the First Panel is of the opinion that the case neither involves a serious issue affecting neither the interpretation of the Agreement nor an issue of general importance. Moreover, it cannot be said that the whole circumstances justify reviewing the original Decision. As the request for review does not meet both the conditions set out in Rule 64(2), the First Panel unanimously recommends that the plenary Chamber not accept the request.

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)
Peter KEMPEES
Registrar of the Chamber

(signed)
Michèle PICARD
President of the Chamber