



DECISION ON REQUEST FOR REVIEW

Case no. CH/01/7253

Goran STOJIĆ

against

THE REPUBLIKA SRPSKA

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 applicant's request for a review of the decision of the Second Panel of the Chamber on the admissibility and merits 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 AND SUMMARY OF THE PROCEEDINGS BEFORE THE CHAMBER

1. In his application filed on 9 August 2001, the applicant requested the Chamber to order the respondent Party, as a provisional measure, to take all necessary steps to prevent his eviction from the apartment he occupies and to prevent the purchase of the apartment where he resided previously. On 14 August 2001 the President of the First Panel rejected the request.
2. On 6 September 2001 the First Panel declared the application inadmissible due to non-exhaustion of domestic remedies. On 22 November 2001 the applicant received the First Panel's decision that was communicated on 15 November 2001 to the parties in pursuance of Rule 52.
3. On 28 January 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

4. In his request for review, the applicant challenges the First Panel's decision on the grounds (a) that the rejection by the Chamber of his request for provisional measures can cause irreparable harm to him, (b) that he has no effective remedy before the national administrative and judicial authorities against the decision rejecting his request to regain possession over the apartment he formerly used and (c) that some new developments, which might put a different light on the present case, occurred.

IV. OPINION OF THE SECOND PANEL

5. The Second Panel notes that the Rule 63 paragraph (3)(b) provides as follows:
"Any such request for review shall be submitted:
b) within one month starting on the day following that on which the Panel's reasoned decision was delivered to the Parties in writing."
6. The Second Panel notes that the request for review has not been lodged within one month from the date of communication of the First Panel's decision.
7. As the request therefore does not meet the condition set out in Rule 63(3)(b), the Second Panel unanimously, recommends that the request be rejected.

V. OPINION OF THE PLENARY CHAMBER

7. The plenary Chamber agrees with the Second Panel that, for the reason stated, the request for review does not meet the condition required for the Chamber to accept such a request pursuant to Rule 63(3)(b).

VI. CONCLUSION

8. 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