



DECISION ON REQUEST FOR REVIEW

Case no. CH/99/1568

Bahra ČORALIĆ

against

THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Human Rights Chamber for Bosnia and Herzegovina, sitting in plenary session on 9 May 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 respondent Party'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 her application filed on 12 February 1999 and further correspondence, the applicant alleges a violation of her rights as protected by Articles 3, 5 and 6 of the European Convention on Human Rights (“the Convention”). The applicant has been a judge in Bihać since 1989. On 8 June 1995 she was abducted and badly beaten by three men. On 28 July 1995 Emir Bešić, Abdulah Bešić and Hazim Kosovac were taken into custody on suspicion of committing this crime. They were released from custody on 5 September 1995. On 18 March 1999 they were convicted. On 1 October 1997 the applicant brought criminal charges before the Public Prosecutor’s Office against the former Chief of Police, Edhem Bešić, in connection with the assault. However, he was never indicted. On 15 April 1998 the applicant filed an action for compensation against the three convicted men and Edhem Bešić. There has been no final decision in this case to date.

2. On 7 December 2001 the Second Panel delivered a decision on admissibility and merits in the case. It declared admissible the applicant’s complaint under Article 6 of the Convention insofar as it related to the civil proceedings. It declared the application inadmissible under Articles 3 and 5 of the Convention as outside its competence *ratione temporis* and under Article 6 of the Convention as outside its competence *ratione materiae* insofar as it related to the criminal proceedings. The Panel further found a violation of Article 6 paragraph 1 of the Convention as the civil proceedings were not conducted within a reasonable time and awarded the applicant compensation for non-pecuniary damage of 5,000 Convertible Marks (*Konvertibilnih Maraka*).

3. On 7 January 2002 the respondent Party submitted a request for review of the decision. In accordance with Rule 64(1) the request for review was considered by the First Panel on 8 April 2002.

II. THE REQUEST FOR REVIEW

4. In its request for review, the respondent Party challenges the Second Panel’s decision on the grounds (I) that, when finding a violation of Article 6 paragraph 1 of the Convention with regard to the length of the civil proceedings, the Chamber did not take into consideration the fact that the court decided to suspend the proceedings in expectation of the outcome of the criminal proceedings, and (II) that, in line with its case law, the Chamber should not have awarded the applicant any compensation.

III. 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). The First 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.

6. As the Second Panel explicitly referred to the criminal proceedings in its decision on admissibility and merits (see CH/99/1568, *Čoralić*, decision on admissibility and merits of 7 December 2001, paragraphs 55, 58 and 59), the First Panel is of the opinion that the first complaint does not raise “a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance”.

7. With regard to the respondent Party’s second complaint, the First Panel notes that, as it has held before (e.g. CH/98/834, *O.K.K.*, decision on request for review of 10 May 2001, paragraph 5, Decision January – June 2001 and CH/97/59, *Rizvanović*, decision on request for review of 13 November 1998, Decisions and Reports 1998) objections relating to orders awarding compensation generally do not raise “a serious question affecting the interpretation or application of the Agreement or a serious issue of general importance”.

8. As the request for review fails to meet the first requirement set forth in Rule 64(2), the First Panel, unanimously, recommends that the request be rejected.

IV. OPINION OF THE PLENARY CHAMBER

9. The plenary Chamber agrees with the First Panel that, for the reasons stated, the request for review does not meet the first of the two conditions required for the Chamber to accept such a request pursuant to Rule 64(2).

V. CONCLUSION

10. 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